

Memorandum

To: Mental Health Adult Foster Home Licensees
Mental Health Residential Treatment Providers
Community Mental Health Programs

From: Connie Rush, Mental Health Licensing & Certification Manager

Date: October 28, 2024

Subject: Unannounced Renewal Inspections

Licensing and Certification (L&C) staff are required by Oregon Revised Statute (ORS) and Oregon Administrative Rules (OARs) to periodically inspect facilities of the programs that are licensed and certified by the L&C unit. These inspections are also required for programs in the Adults and People with Disabilities (APD) and Intellectual/Developmental Disability (I/DD) Programs licensed by Oregon Department of Human Services (ODHS). OHA is making changes to bring our program in alignment with the APD and I/DD licensing programs at ODHS. Effective January 1, 2025, L&C staff will begin conducting all renewal inspections as unannounced site visits.

Why is this happening?

The Oregon Health Authority has the goal of eliminating health inequities by 2030. ODHS staff in the APD and I/DD programs currently conduct unannounced site visits to determine compliance with current laws, rules, and regulations governing the operation of those programs. To bring our licensing program into alignment with our goals, L&C has made the decision to follow the best practices established by our APD and I/DD counterparts and begin conducting all of our site visits as unannounced visits. This will help ensure that our Mental Health programs are being held to the same standards and expectations as programs

that serve other populations with complex medical, mental, and developmental needs.

What do I need to do?

There is no action for you take. Programs should make sure that their homes or facilities are always “inspection ready”. L&C staff will continue to coordinate with county partners to ensure that they are involved in the licensing renewal process. Providers may continue to reach out to L&C staff with questions and concerns regarding licensing and certification compliance.

Relevant RTH/RTF/SRTF Oregon Revised Statutes and Oregon Administrative Rules

ORS 443.416 – Inspection of Facilities

(2) The Director of the Oregon Health Authority or authorized representative shall periodically visit and inspect every residential treatment facility or residential treatment home to determine whether it is maintained and operated in accordance with ORS 443.400 to 443.455 and the rules of the director, and to consult with and advise management concerning methods of care, treatment, training, records, housing, and equipment. Employees of the Oregon Health Authority and the State Fire Marshal or authorized representative on request shall be permitted access to the premises and records of individuals in the facility or home that are pertinent to fire safety.

309-035-0115 Licensing

(14) Division staff shall visit and inspect every setting at least once every two years to determine whether it is maintained and operated in accordance with these rules. The provider or applicant shall allow Division staff entry and access to the setting and individuals for the purpose of conducting the inspections:

(a) Division staff shall review methods of individual care and treatment, records, the condition of the setting and equipment, and other areas of operation;

Relevant AFH Oregon Revised Statutes Oregon Administrative Rules

ORS 443.755 – Entry and Inspection of Homes; Access to Residents; Inspection Report; Fire Inspection

(1) The licensing agency staff shall be permitted access to enter and inspect all licensed adult foster homes. The licensing agency shall be permitted access to enter and inspect any unlicensed adult foster home upon the receipt of an oral or written complaint, or in case the agency itself has cause to believe that an adult foster home is operating without a license or there exists a threat to the health, safety, or welfare of any resident. The licensing agency staff shall be permitted access to the residents of adult foster homes in order to interview residents privately and to inspect residents' records.

309-040-0340 – Issuance of a License

(6) A license is valid for one year from the effective date on the license unless sooner revoked or suspended.

309-040-0345 – Renewal

(4) The Division shall investigate any information in the renewal application and shall conduct an inspection of the AFH.

Questions?

If you have questions, please contact your assigned compliance specialist or the Mental Health Licensing & Certification Team at BHD.MH.ComplaintsTA@oha.oregon.gov.