

Cathy Cooper
Authorized Signature

Number: SPD-AR-10-008

Issue Date: 4/6/2010

Corrected

Topic: Foster Care

Due Date:

Subject: Criminal Record Rechecks in Non-Relative, Relative and Limited Adult Foster Homes for Seniors and Adults with Disabilities

Applies to (check all that apply):

- | | |
|---|--|
| <input type="checkbox"/> All DHS employees | <input type="checkbox"/> County Mental Health Directors |
| <input checked="" type="checkbox"/> Area Agencies on Aging | <input type="checkbox"/> Health Services |
| <input checked="" type="checkbox"/> Children, Adults and Families | <input checked="" type="checkbox"/> Seniors and People with Disabilities |
| <input type="checkbox"/> County DD Program Managers | <input type="checkbox"/> Other (please specify): |

Action Required:

1. Local licensing offices are asked to send the attached memorandum to adult foster home licensees if their license expires on or after January 1, 2010 or after, until further notice. The memorandum, which is to be posted with the adult foster home's license, informs renewal applicants about the delay in processing pending clarification about the applicability of House Bill 2442.

Adult foster home providers due for license renewal between January 1, 2010 and March 31, 2010 should submit completed license renewal application packets with the appropriate fee prior to the expiration of their license. According to OAR 411-050-0420(2), receipt of the licensee's complete application packet at the local licensing office prior to the expiration of the facility's license, will cause the facility's current license to remain valid until action is taken.

2. Local licensing offices are asked to process criminal record checks as follows:
 - a. Criminal Record Rechecks for License Renewals and Other Subject Individuals: Pend renewal applications for licenses that expire prior to March 31, 2010 and **postpone processing the criminal record rechecks** until further notice;
 - b. Initial Criminal Record Checks for New Applicants and Subject Individuals: **Process NEW criminal record checks according to the temporary rules**, OAR 411-050-0412, Criminal Records Check, with Exhibit 50-1.

Reason for Action: SPD's Office of Licensing and Quality of Care (OLQC) is reviewing the applicability of House Bill 2442's criminal record check requirements to adult foster home license renewals and criminal record rechecks of subject individuals. It is anticipated that the OLQC will have clarification by April 1, 2010. Once clarification is received, the local licensing offices will be notified how to process criminal record rechecks for license renewals and other subject individuals.

Field/Stakeholder review: Yes No

If yes, reviewed by: SPD Operations Committee
 SPD Policy Group

If you have any questions about this action request, contact:

Contact(s):	Sylvia Rieger, Operations and Policy Analyst		
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E-mail:	Sylvia.A.Rieger@state.or.us		

Date: January 28, 2010

To: Adult Foster Home Providers with
Relative, Limited and Non-relative Licenses

From: Mary Gear, Administrator
Office of Licensing and Quality of Care
Seniors and People with Disabilities

Re: License Renewal and House Bill 2442

POST THIS NOTICE WITH YOUR ADULT FOSTER HOME LICENSE

The Department is obtaining legal clarification about how HB 2442, which passed during the 2009 regular legislative session, applies to currently licensed adult foster homes for individuals who are elderly and adults with disabilities and other long-term care facilities licensed by the Office of Licensing and Quality of Care. This legislation implies that individuals who have been convicted of specific crimes may be prohibited from being in contact with residents in facilities.

Until clarification about HB 2442 is available, local licensing offices will delay processing applications to renew adult foster home licenses. **This memorandum confirms receipt of your complete application for license renewal and notifies you that your license will remain valid through June 30, 2010** based on Oregon Administrative Rule 411-050-0420(2), unless voluntarily terminated or otherwise notified by the Office of Licensing and Quality of Care. The local licensing office will complete processing the pending applications for a renewed license no later than June 30, 2010.