

Cathy Cooper
Authorized Signature

Number: SPD-AR-10-100
Issue Date: 10/27/2010

Topic: Other

Due Date:

Subject: Keys Amendment - Annual Public Notification of Standards for Residential Facilities.

Applies to (check all that apply):

- All DHS employees
Area Agencies on Aging
Children, Adults and Families
County DD Program Managers
County Mental Health Directors
Health Services
Seniors and People with Disabilities
Other (please specify): SPD Field Mangers, Cathy Cooper, Don Fries, Christina Hartman, DeAnna Hartwig, James Toews, Richard Harris, Richard Luthe, Michael Morris, Madeline Olson.

Action Required:

Please print and post the attached letter and rules summary in a public place through the end of November 2010.

Reason for Action: Section 1616(e) of the Social Security Act (the Keys Amendment) requires, in part, that States annually make available for public review a summary of standards (rules) developed for residential facilities.

Field/Stakeholder review: Yes No

If yes, reviewed by:

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

Table with contact information: Contact(s): Don Fries, Phone: 503-945-6455, Fax: 503-373-7274, E-mail: don.h.fries@state.or.us

Date: October 28, 2010

To: Members of the General Public

From: James Toews, Assistant Director for SPD, DHS
Richard Harris, Assistant Director for AMH, DHS

Subj: Annual Notification of Residential Standards Information

Section 1616(e) of the Social Security Act (the Keys Amendment) requires, in part, that States annually make available to the public:

- A summary of standards developed for residential facilities where significant numbers of Supplemental Security Income (SSI) recipients reside or are likely to reside; and
- A copy of such standards along with the enforcement procedures, a list of waivers of standards, and any violations.

The attached rule summaries describe the relevant rules available to the general public by request. If you would like to read the *full* version of particular rules, you can access the rules in two ways:

- 1) Go to Oregon's Internet web site at http://arcweb.sos.state.or.us/rules/number_index.html.; or
- 2) Call, write, or E-mail the appropriate person, listed at the end of the enclosed summaries, for a hard copy. You may also request information about the administration of these rules through this person.

Attachments

Administrative Rules Related to Keys Amendment Assurances
- State of Oregon -
October 2010

Seniors and People with Disabilities Division (SPD)

Following is a list of SPD and related Department of Human Services (DHS) rules that provide standards for facilities where a significant number of supplemental Social Security Income (SSI) recipients are likely to reside. These standards, and those for the Addictions and Mental Health Division (AMH) span building maintenance, fire safety, sanitation, food, health, program and care services, staffing, residents' rights, and administrative management. The facilities are routinely inspected to determine substantial compliance with federal and state laws and licensure rules.

Adult Foster Homes (APD) – Chapter 411, Division 050 (last amended 7/1/2010). The purpose of these rules is to establish standards and procedures for adult foster homes that provide care for adults who are elderly or physically disabled in a home-like environment that is safe and secure. The goal of adult foster care is to provide necessary care while emphasizing the resident's independence. This goal is reached through a cooperative relationship between the care providers and the resident (or court-appointed guardian) in a setting that protects and encourages resident dignity, choice, and decision-making. Residents' needs are to be addressed in a manner that supports and enables residents to maximize their ability to function at the highest level of independence possible.

Residential Care and Assisted Living Facilities – Chapter 411, Division 054 (last amended 10/5/2010). The purpose of these rules is to establish standards for assisted living and residential care facilities that promote the availability of a wide range of individualized services for elderly and persons with disabilities, in a homelike environment. The standards are designed to enhance the dignity, independence, individuality, and decision making ability of the resident in a safe and secure environment while addressing the needs of the resident in a manner that supports and enables the individual to maximize abilities to function at the highest level possible.

24-Hour Residential Services for Individuals with Developmental Disabilities – Chapter 411, Division 325 (last amended 7/1/2010). These rules prescribe standards, responsibilities, and procedures for

24-Hour Residential Programs providing services to individuals with developmental disabilities. These rules also prescribe the standards and procedures by which DHS licenses programs to provide residential care and training to individuals with developmental disabilities.

Adult Foster Homes (DD) – Chapter 411, Division 360 (last amended 8/27/2010). These rules prescribe the standards and procedures for the licensure and provision of care and services to individuals in DHS adult foster homes for individuals with developmental disabilities (AFH-DD) in a homelike environment that is safe and secure. The goal of the AFH-DD is to provide necessary care while emphasizing the individual's independence. This goal is reached through a cooperative relationship between the provider, the individual and their guardian, if applicable and the community developmental disability program in a setting that protects and encourages the individual's independence, dignity, choice, and decision making. The individual's needs are to be addressed in a manner that supports and enables the individual to function at the highest level of independence possible.

Criminal Records Check Rules – Chapter 407, Division 007, 0200-0370 (last amended 1/1/2010). The purpose of these rules is to provide for the reasonable screening under ORS 181.534 and 181.537 of subject individuals to determine if they have a history of criminal behavior such that they should not be allowed to work, volunteer, be employed, reside, or otherwise perform in positions covered by these rules.

Abuse Reporting and Protective Services in Community Programs and Community Facilities – Chapter 407, Division 045, 0250-0370 (last amended 6/29/2010). These rules prescribe standards and procedures for the investigation of, assessment for, and provision of protective services in community programs and community facilities, and the nature and content of the abuse investigation and protective services report.

Copies of complete rules may be obtained on the internet at the web site of the Office of the Secretary of State

<http://arcweb.sos.state.or.us/banners/rules.htm>; by writing to Christina Hartman, Seniors and People with Disabilities, 500 Summer St., NE E10, Salem, OR 97301-1076; by calling 503-945-6398; or sending an e-mail to christina.hartman@state.or.us.

Addictions & Mental Health Division (AMH)

Following is a list of AMH and related DHS rules regarding standards for residential facilities where significant numbers of SSI recipients are likely to reside:

Standards for Enhanced Care Services – Chapter 309, Division 032, 1540(3) (adopted 3/4/2010). These rules prescribe standards and procedures for the delivery of mental health services designed to treat eligible persons with severe mental illness residing in selected facilities licensed by SPD.

Residential Treatment Facilities for Mentally or Emotionally Disturbed Persons – Chapter 309, Division 035, 0100-0190 (last amended 12/17/2009). Houses six or more residents. These rules prescribe standards by which AMH approves residential treatment facilities for adults with mental or emotional disorders. The standards promote the well-being, health, and recovery of adults with mental or emotional disorders through the availability of a wide range of residential service options. They prescribe how services will be provided in safe, secure, and homelike environments that recognize the dignity, individuality, and right to self-determination of each resident.

Residential Treatment Homes – Chapter 309, Division 035, 0250-0460 (last amended 12/17/2009). Houses five or fewer residents. These rules prescribe standards by which AMH approves residential treatment homes for adults with mental or emotional disorders. The standards promote the well-being, health, and recovery of adults with mental or emotional disorders through the availability of a wide range of residential service options. They prescribe how services will be provided in safe, secure, and homelike environments that recognize the dignity, individuality, and right to self-determination of each resident.

Adult Foster Homes – Chapter 309, Division 040 (last amended 1/29/2010). Houses five or fewer residents. These rules prescribe the standards and procedures for the provision of care and services to residents with mental illness in AMH adult foster homes as a condition for licensure and payment. The care and services are designed to promote the resident's right to independence, choice, and decision making while providing a safe, secure, homelike environment. The

resident's needs will be addressed in a manner, which enables the resident to function at the highest level of independence possible.

Criminal Records Check Rules – Chapter 407, Division 007, 0200-0370 (last amended 1/1/2010). The purpose of these rules is to provide for the reasonable screening under ORS 181.534 and 181.537 of subject individuals to determine if they have a history of criminal behavior such that they should not be allowed to work, volunteer, be employed, reside, or otherwise perform in positions covered by these rules.

Abuse Reporting and Protective Services in Community Programs and Community Facilities – Chapter 407, Division 045, 0250-0370 (last amended 6/29/2010). These rules prescribe standards and procedures for the investigation of, assessment for, and provision of protective services in community programs and community facilities, and the nature and content of the abuse investigation and protective services report.

Standards for Outpatient and Residential Alcohol and Drug Treatment Programs – Chapter 309, Division 032, 1540(1), (12), (13), (14), (15), and 1545 (adopted 3/4/2010). These rules prescribe standards for the development and operation of treatment programs (excluding synthetic opiate treatment programs) approved by AMH. Treatment programs include co-occurring mental health and substance abuse disorders programs, outpatient alcoholism treatment programs, outpatient drug-free treatment programs, Driving Under the Influence of Intoxicants rehabilitation programs, intensive outpatient treatment programs, alcohol or other drug-free day treatment programs, and residential treatment programs.

Copies of complete rules may be obtained on the internet at the web site of the Office of the Secretary of State <http://arcweb.sos.state.or.us/banners/rules.htm>; by writing to Richard Luthe, Addictions & Mental Health Division, 500 Summer St., NE E86, Salem, OR 97301; by calling 503-947-1186; or sending an e-mail to richard.l.luthe@state.or.us.