DHS Oregon Department of Human Services

Aging and People with Disabilities

Action Request Transmittal

Don Erickson
Authorized signature

Number: **APD-AR-15-069**
Issue date: 12/1/2015
Corrected
Due date: 12/1/2015

Topic: Other

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

Applies to *(check all that apply)*:

- ☐ All DHS employees
- ☒ Area Agencies on Aging
- ☒ Aging and People with Disabilities
- ☐ Self Sufficiency Programs
- ☒ County DD Program Managers
- ☐ ODDS Children's Residential Services
- ☐ Child Welfare Programs
- ☒ County Mental Health Directors
- ☐ Health Services
- ☒ Office of Developmental Disabilities Services(ODDS)
- ☐ ODDS Children's Intensive In Home Services
- ☐ Stabilization and Crisis Unit (SACU)
- ☒ Other *(please specify)*: APD Field Managers

Action required: Please print and post the attached letter and rules summary in a public place during the month of December 2015.

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. The facilities covered by this requirement provide room, board, protective oversight, and other supports to Supplemental Security Income (SSI) beneficiaries and other residents. Within the Oregon Health Authority and the Department of Human Services, the Addictions and Mental Health, Aging and People with Disabilities, and the Office of Developmental Disabilities Services divisions have residential facilities providing these services.

Field/stakeholder review: ☐ Yes ☒ No

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

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Date: November 2015

To: Members of the General Public

From: Don Erickson, Chief Operating Officer DHS Aging and People with Disabilities
Rhonda Busek, Chief Health Systems Officer, OHA

Subject: Annual Notification of Residential Standards Information

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Section 1616(e) of the Social Security Act (the Keys Amendment) requires, in part, that States annually make the following information 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.

- A copy of such standards along with enforcement procedures, a list of waivers and standards, and any violation.

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 these rules, they can be accessed by:

- Link to the Oregon Administrative Rules via the Secretary of States website below http://arcweb.sos.state.or.us/pages/rules/index.html

- Call, write or email the specific Rules Coordinator to receive a hard copy of the rules and/or ask questions about the administration of these rules. The contact information for each coordinator is located in the attached document.

Attachments: 2015 Rules Summary

Administrative Rules Related to Keys Amendment Assurances
- State of Oregon -
October 2015

Aging and People with Disabilities (APD) and Office of Developmental Disabilities Services (ODDS), Department of Human Services (DHS)

The following is a list of the Department of Human Services' (DHS) rules that provide standards for facilities where a significant number of Supplemental Security Income (SSI) recipients are likely to reside. These standards 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 6/28/2015). The purpose of the rules is to establish the minimum standards and procedures for adult foster homes that provide care and services for adults who are older or adults with physical disabilities in a home-like environment that is safe and secure. Adult foster homes provide necessary care and services through a cooperative relationship between the resident (or court-appointed guardian) and the resident's care providers that emphasizes the resident's independence. Adult foster home care and services are provided in a setting that protects and encourages resident dignity, choice, and decision-making while addressing the needs of the resident in a manner that supports and enables the residents to maximize their ability to function at the highest level of independence possible.

Residential Care and Assisted Living Facilities (APD) – Chapter 411, Division 054 (last amended 6/28/2015). 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 Children and Adults with Developmental Disabilities (**ODDS)** – Chapter 411, Division 325 (last amended 12/28/2014). These rules prescribe standards, responsibilities, and procedures for 24-Hour Residential Programs providing services to individuals with intellectual or developmental disabilities. These rules also prescribe the standards and

procedures by which DHS licenses programs to provide residential care and training to individuals with intellectual or developmental disabilities.

Adult Foster Homes (ODDS) – Chapter 411, Division 360 (12/28/2014). (1) These rules prescribe the standards and procedures for the licensure of adult foster homes for individuals with intellectual or developmental disabilities (AFH-DD) and the provision of care and services to support individuals with intellectual or developmental disabilities in a homelike environment that is safe and secure.
(2) An AFH-DD supports individuals by providing necessary care and services through a cooperative relationship between the AFH-DD provider, the individual, the individual's legal representative (if applicable), and the community developmental disability program.
(3) An AFH-DD protects and encourages an individual's independence, dignity, choice, and decision making while addressing an individual's needs in a manner that supports and enables the individual to maximize his or her ability to function at the highest level of independence possible.

Background Check Rules (DHS) – Chapter 407, Division 007, 0200-0370 (last amended 8/1/15). The purpose of these rules is to provide for the reasonable screening under ORS 181.534, 181.537, and 409.027 of subject individuals to determine if they have a history of criminal or abusive 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 (APD/ODDS) – Chapter 407, Division 045, 0250-0370 (last amended 12/5/2011). These rules prescribe standards and procedures for the investigation of, assessment for and provision of protective services in community programs and community facilities for adults with intellectual or developmental disabilities, 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/pages/rules/access/numerically.html; by writing to Kimberly Colkitt-Hallman, Department of Human Services, 500 Summer St. NE, E48, Salem, OR 97301-1076; by calling 503-945-6398; or sending an e-mail to kimberly.colkitt-hallman@state.or.us.

Oregon Health Authority (OHA), Addictions & Mental Health Division (AMH)

Following is a list of AMH rules that provide standards for facilities where a significant number of supplemental Social Security Income (SSI) recipients are likely to reside. These standards address building layout and maintenance, fire and other safety, sanitation, nutrition, oversight of physical, mental and dental health care, program and care services, staff qualifications and training, residents' rights, and administrative management. The facilities are routinely inspected to determine substantial compliance with federal and state laws and the following licensure and administrative rules.

Standards for Enhanced Care Services (AMH) – Chapter 309, Division 032, 1540(3) (repealed 2/03/2014). 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 DHS. These standards are now included in the new **Outpatient Addictions and Mental Health Services (AMH) –** Chapter 309, Division 019 rule below, (enacted 2/3/14).

Residential Treatment Facilities for Mentally or Emotionally Disturbed Persons (AMH) – Chapter 309, Division 035, 0100-0190 (last amended 5/4/2012). These facilities house 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 (AMH) – Chapter 309, Division 035, 0250-0460 (last amended 5/4/2012). These homes are for 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 (AMH) – Chapter 309, Division 040 (last amended 5/4/2012). These homes are for 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.

Standards for Outpatient and Residential Alcohol and Drug Treatment Programs (AMH) – Chapter 309, Division 032, 1540(1), (12), (13), (14), (15), and 1545 (repealed 2/03/2014). 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.

These standards are now included in the new **Outpatient Addictions and Mental Health Services (AMH) –** Chapter 309, Division 019 rule below, (enacted 2/3/14).
Outpatient Addictions and Mental Health Services (AMH) – Chapter 309, Division 019, (last amended 5/28/15). These rules prescribe standards for services and supports provided by addictions and mental health providers approved by the AMH/OHA. These rules provide the standards for Outpatient Community Mental Health Services for Children and Adults, Outpatient Substance Use Treatment Services and Outpatient Problem Gambling Treatment Services. Provider policies, licensing, credentials and special qualifications for staff are also covered in these rules. Driving Under the Influence of Intoxicants (DUII), Psychiatric Security Review Board procedures for Adults and Juveniles (PSRB), Enhanced Care & Outreach Services, and Service & Documentation standards for providers are also reflected in these rules. Individual Rights and the Grievance & Complaints policies are also included here.

Residential Substance Use Disorders and Problem Gambling Treatment and Recovery (AMH) – Chapter 309, Division 018, (enacted 2/3/14). These rules prescribe standards for services and supports provided by addictions and mental health providers approved by the AMH/OHA. These rules provide the standards for Residential Substance Use Disorders Treatment & Recovery Services for Adults, Women and Adolescents and Residential Problem Gambling Treatment and Recovery Services. Provider policies, licensing, and credentials for staff are also covered in these rules as well as Service & Documentation standards for providers. Individual Rights and the Grievance & Complaints policies are also included here. Facility Standards, Medical Protocols and Medication Administration are also included in these rules.

Intensive Treatment Services for Children and Adolescents & Children's Emergency Safety Intervention Specialist (CESIS) – Chapter 309, Division 022, (enacted 2/3/14). These rules prescribe standards for services and supports provided by addictions and mental health providers approved by the AMH/OHA. These rules provide the standards for services and supports provided in: Intensive Treatment Services (ITS) for Children & Adolescents. Provider policies, licensing, credentials and special qualifications for staff are also covered in these rules. Individual Rights and the Grievance & Complaints policies are also included here. Behavior Support Services, Emergency Safety Interventions including Restraint & Seclusion, as well the scope and licensure of Children's Emergency Safety Intervention Specialist(s) are covered in these rules. Quality Assurance and Continuity of Care policies are also found here.

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/pages/rules/access/numerically.html; by writing to Nola Russell, Health Systems Division, 500 Summer St. NE E86, Salem, OR 97301; by calling 503-945-7652; or sending an e-mail to nola.russell@state.or.us.

Director's Office, Oregon Health Authority (OHA)

Criminal History Checks (OHA) – Chapter 943, Division 007, 0001-0501 (last amended 8/10/2012). The purpose of these rules is to provide for the reasonable screening under ORS 181.534, 181.537, and 409.027 of subject individuals to determine if they have a history of criminal or abusive 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 (OHA) – Chapter 943, Division 045, 0250-0370 (last amended 6/28/2012). 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/pages/rules/access/numerically.html; by writing to Keely West, Director's Office, Oregon Health Authority, 500 Summer St. NE, Salem, OR 97301; by calling 503-945-6292; or sending an e-mail to keely.l.west@state.or.us.