

Tom van der Veen

Authorized Signature

Number: APD-PT-16-015
Issue date: 5/6/2016

Topic: Licensing

Transmitting (check the box that best applies):

- New policy
 Policy change
 Policy clarification
 Executive letter
 Administrative Rule
 Manual update
 Other: _____

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"/> Aging and People with Disabilities | <input type="checkbox"/> Office of Developmental Disabilities Services(ODDS) |
| <input type="checkbox"/> Self Sufficiency Programs | <input type="checkbox"/> ODDS Children’s Intensive In Home Services |
| <input type="checkbox"/> County DD Program Managers | <input type="checkbox"/> Stabilization and Crisis Unit (SACU) |
| <input type="checkbox"/> ODDS Children’s Residential Services | <input type="checkbox"/> Other (please specify): |
| <input type="checkbox"/> Child Welfare Programs | |

Policy/rule title:	Writing Notice of Violations (517B) for APD Adult Foster Homes		
Policy/rule number(s):	411-050-0675	Release no:	
Effective date:	Immediately	Expiration:	
References:	411-050-0675		
Web address:			

Discussion/interpretation:

The purpose of this transmittal is to help staff identify the required elements when writing notice of violations (517B) for APD Adult Foster Homes.

A notice of violation is a statement made by a licensor, telling the Provider that a behavior, or a condition found in the home, violates an official rule that *could* result in a penalty, including a monetary penalty.

The Notice of Violation (517B) must include the following:

- Provider's name, provider number and inspection date. If there is a co-licensee, include each licensed provider's name on the notices.
- **OAR #:** Identify the specific rule that has been violated. Limit each section of the 517B to one rule violation. One violation may include more than one resident if the violation for each resident is the same. Different violations involving one or more resident cannot go on one 517B. Be sure to cite to the subsection of the rule violated.
- **Statement of violation.** The Notice must tell the Licensee what s/he did or didn't do, by describing a behavior or condition in the home, and inform the provider what rule was violated by the behavior or condition. The violation must be supported by some documentation (copies of facility records, narrative, photographs etc.).
- **Correct by date.** Identify a specific time frame for correction, not to exceed 30 calendar days after receipt of the notice. The local licensing authority may approve a reasonable time frame in excess of 30 calendar days if correction of the violation within that time frame is not practical. If the licensee requests more than 30 calendar days to correct the violation, such time must be specified in the licensee's plan of correction and must be found acceptable by the local licensing authority.
- **Provider's statement of correction.** The applicant or licensee must notify the local licensing authority how the violation was corrected by completing a written response in the provider's statement of correction section on the 517B. Notification of correction of the violation must be submitted to the local licensing authority no later than the date specified in the notice of violation.
- **Acceptable statement of correction.** The local licensing authority must review the licensee's statement of correction and indicate if the action is acceptable or not.

Please Remember:

- A notice of violation is a legal document. It is called a "Notice" because Licensees must be formally notified of any rule violations that could affect their license.
- The notice of violation may not include information that may be used to identify a resident. Licensors may use form SDS 0517D, Key to Adult Foster Home Residents, to protect the residents' confidentiality. A copy of this completed key

should be provided to the AFH to assist the licensee in correctly interpreting any violations written on the 517B.

- The violation is a short and plain statement of the facts (who, what, when, where, how often, etc.). The supporting documentation helps to provide the details.
- The statement of violation should always be legible and easy to read.
- The statement of violation should **not** include any acronyms or shorthand for terms.
- The statement of correction should identify what the applicant or licensee did to correct the violation. The local licensing authority is responsible for determining if the provider’s statement of correction is acceptable, what action will be taken if it is unacceptable, and if a follow-up inspection is necessary. This should all be documented under the “office use only” section in the 517B.
- At any time after receipt of a notice of violation or an inspection report, the applicant, the licensee, the local licensing authority, or the Department may request a meeting. The meeting must be scheduled within 10 business days of a request by any party (see OAR 411-050-0675(4)(a)(b)).

Implementation/transition instructions: Apply the policies as outlined above when writing a notice of violation.

Training/communication plan: Technical assistance will be provided to the Local Licensing Authority as needed.

Local/branch action required: Review transmittal, and apply policies outlined in rule.

Central office action required: Provide technical assistance as necessary.

Field/stakeholder review: Yes No

If yes, reviewed by: APD Policy Group

Filing instructions:

If you have any questions about this policy, contact:

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