

Administrator Alert

*Policy updates & rule clarifications for Assisted Living,
Residential Care & Nursing Facilities*

Office of Licensing & Quality — Oregon Department of Human Services

Emergency rule amendments effective January 1, 2010

In order to comply with the 2009 legislative changes from House Bill 2139 and House Bill 2442, Seniors and People with Disabilities issued emergency rules amending the residential care and assisted living facility rules chapter 411 division 054. The rule changes are effective January 1, 2010.

The following changes have been made:

- 411-054-0005 Expands the definition of abuse for incidents that occur on or after January 1, 2010;
- 411-054-0016 Provides a list of crimes that prohibits an individual convicted of a specific crime from working in any capacity in a residential care or assisted living facility;
- 411-054-0025 Requires the provider to post and make available to the residents, families, and the general public, written notice that finds substantiated abuse;
- 411-054-0025 Requires facility employee applications to include a question asking whether an applicant has been found to have committed abuse;
- 411-054-0105 Provides protocols and notification requirements for SPD's investigation and reporting of complaints;
- 411-054-0120 Increases the civil penalty amounts for certain incidents of abuse;



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- 411-054-0133 Authorizes the appointment of a temporary manager.

These rule amendments are considered temporary until June 30, 2010; however, it is the Department's intent to file these changes permanently effective June 1, 2010. A rule advisory committee will be convened to discuss the rule language and content prior to filing for permanent changes.

Action required: Providers must implement the rule requirements as currently written.

Reference: A copy of the filed rule can be downloaded at;
www.dhs.state.or.us/policy/spd/numeric.htm

