

Rule Number	Rule Action	Date Effective	Statement of Need/House Bill 4106: Explain why a temporary rule was most appropriate and why it was not appropriate to proceed with the regular rulemaking process. See ORS 183.335 (5) and ORS 183.335 (2) and (3).	Justification/HB 4106 All of the agency's findings that a failure to act promptly would result in serious prejudice to the public interest or the interest of parties concerned		
411-050-0600	Amend	1/1/2018	The Department needs to adopt these rules to implement requirements mandated by HB 3359 in the 2017 legislative session and to incorporate current fire code requirements.	Failure to act promptly and immediately amend/adopt OAR chapter 411, division 050 will result in serious prejudice to the public interest, the Department, adults who are older, and adults with physical disabilities. These rules need to be adopted promptly so that adult foster homes that care for adults who are older or adults with physical disabilities may comply with the legislative requirements upon the effective date of 1/1/18 and current fire codes.  OAR chapter 411, division 050 needs to be amended/adopted promptly because the legislative requirements compel the Department to modify the rules to coincide with the 1/1/18 implementation date, and to direct adult foster home providers who are licensed to care for adults who are older or adults with physical disabilities toward compliance with fire codes.		
411-050-0602	Amend	1/1/2018				
411-050-0605	Amend	1/1/2018				
411-050-0610	Amend	1/1/2018				
411-050-0615	Amend	1/1/2018				
411-050-0620	Amend	1/1/2018				
411-050-0625	Amend	1/1/2018				
411-050-0630	Amend	1/1/2018				
411-050-0632	Amend	1/1/2018				
411-050-0635	Amend	1/1/2018				
411-050-0640	Amend	1/1/2018				
411-050-0642	Amend	1/1/2018				
411-050-0645	Amend	1/1/2018				
411-050-0650	Amend	1/1/2018				
411-050-0655	Amend	1/1/2018				
411-050-0660	Amend	1/1/2018				
411-050-0662	Amend	1/1/2018				
411-050-0665	Amend	1/1/2018				
411-050-0685	Amend	1/1/2018				
411-054-0005	Amend	1/1/2018			The Department needs to immediately amend rules to be in compliance with HB 3359 (2017).	Failure to act promptly and immediately to adopt and amend rules in OAR chapter 411, division 054 will result in serious prejudice to the public interest, the Department, and residential care and assisted living facilities. These rules need to be adopted promptly so that DHS will be in compliance with all regulatory changes required by HB 3359 (2017).
411-054-0012	Amend	1/1/2018				
411-054-0013	Amend	1/1/2018				
411-054-0016	Amend	1/1/2018				
411-054-0040	Amend	1/1/2018				
411-054-0045	Amend	1/1/2018				
411-054-0055	Amend	1/1/2018				
411-054-0060	Amend	1/1/2018				
411-054-0070	Amend	1/1/2018				
411-054-0110	Amend	1/1/2018				
411-054-0120	Amend	1/1/2018				
411-054-0200	Amend	1/1/2018				
411-054-0320	Adopt	1/1/2018				
411-085-0020	Amend	1/1/2018	The Department needs to immediately amend rules to be in compliance with HB 3359, as of January 1, 2018	Failure to act promptly and immediately to amend OAR chapter 411, divisions 085 and 089 will result in serious prejudice to the public interest, the Department, and nursing facilities. These rules need to be adopted promptly so that DHS will be in compliance with all regulatory changes required by HB 3359.		
411-089-0030	Amend	1/1/2018				
411-089-0050	Amend	1/1/2018				
411-031-0020	Amend	2/1/2018	The Department needs to immediately amend these rules to ensure the Department's rules on the consumer-employed provider program accurately reflect requirements from the collective bargaining agreement, do not reference the live-in program (which has ended), and ensure correct citations. This ensures that homecare workers, consumers, and Department staff are aware of all current applicable requirements. These changes ensure the rules are in line with all current requirements.	Failure to act promptly and immediately to amend OAR chapter 411, division 031 will result in serious prejudice to the public interest, the Department, consumers, and homecare workers. These rules need to be amended promptly so the Department's rules governing the consumer-employed provider program reflect all current requirements to avoid any confusion among homecare workers, consumers, and Department staff. This will be accomplished by ensuring these changes are effective on February 1, 2018.		
411-031-0040	Amend	2/1/2018				
411-031-0050	Amend	2/1/2018				
411-059-0000	Adopt	2/1/2018	The Department needs to immediately adopt these rules in order to comply with the requirements of HB 3370, which become effective on January 1, 2018. The Department needs to provide clarity on the projects that need to be registered with the Department, as well as clarity on the projects that are exempt from having to register with the Department. These rules do this by setting a process to ensure qualifying projects register with the Department as required by HB 3370 (2017).	Failure to act promptly and immediately to adopt OAR chapter 411, division 059 will result in serious prejudice to the public interest, the Department, and tenants and providers of housing with services projects. These rules need to be adopted promptly, so the Department has the authority to administer the duties of operating the housing with services registry as prescribed in HB 3370 (2017). The requirements of HB 3370 become operative on January 1, 2018, so the rules need to be adopted in order for the Department to comply with the legislation.		
411-059-0010	Adopt	2/1/2018				
411-059-0020	Adopt	2/1/2018				
411-059-0030	Adopt	2/1/2018				

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411-059-0040	Adopt	2/1/2018		
411-059-0050	Adopt	2/1/2018		
411-031-0040	Amend	2/28/2018	The Department needs to immediately amend these rules to ensure the Department's rules for the consumer-employed provider program accurately reflect the right background check rules. The change ensures that homecare workers, consumers, and Department staff are aware of all current applicable requirements.	Failure to act promptly and immediately to amend OAR chapter 411, division 031 will result in serious prejudice to the public interest, the Department, consumers, and homecare workers. These rules need to be amended promptly so the Department's rules governing the consumer-employed provider program reflect all current requirements and to avoid any confusion among homecare workers, consumers, and
411-030-0020	Amend	5/23/2018	The Department needs to amend OAR chapter 411, division 030 to ensure that individuals that access services under 411-030 are aware of the exception process. The Department needs to amend the rules because after meetings with Disability Rights Oregon, Oregon Law Center, and Legal Aid Services of Oregon to discuss various aspects of OAR 411-030, it has become apparent the exceptions process is not clear. The Department needs to take steps to ensure that individuals that access services under OAR chapter 411, division 030 are aware of the availability of an exception to the maximum number of hours of service and the homecare worker cap. The discussion has also included the need to make public the process on how an exception is evaluated. Per an agreement made with Disability Rights Oregon, Oregon Law Center, and Legal Aid Services of Oregon, the Department has agreed to increase the Activity of Daily Living Maximum Hours of Services that were previously decreased when these rules were made permanent on January 28, 2018. The Department also has determined a need to clarify the number of hours that are authorized for someone eligible for the shift services option and the need for an exception for any hours above that amount. The Department also determined that services may not be closed when an individual receiving services under OAR chapter 411, division 030 does not have a provider working for them for fourteen business days, so this requirement is being removed.	Failure to act promptly and immediately to amend OAR chapter 411, division 030 would result in serious prejudice to the public interest, the Department, homecare workers, and individuals receiving in-home services. It is imperative that individuals receiving services under OAR chapter 411, division 030 fully understand the availability of an exception, the ability to request an exception, and the process regarding exceptions to best advocate and ensure their service needs are met. It is also imperative to increase the Activity of Daily Living Maximum Hours of Services per the agreement made with Disability Rights Oregon, Oregon Law Center, and Legal Aid Services of Oregon.
411-030-0040	Amend	5/23/2018	OAR 411-030-0020, OAR 411-030-0040, OAR 411-030-0070 are being amended and OAR 411-030-0071 and OAR 411-030-0072 are being adopted, to meet the needs above to ensure the Department is properly informing the public of the exception process for those receiving in-home services.	
411-030-0070	Amend	5/23/2018	These rules also are being amended to correct grammatical errors; update terminology consistent with law or Department practice; and improve the accuracy, organization, structure, and clarity of the rules.	
411-030-0071	Adopt	5/23/2018		
411-030-0072	Adopt	5/23/2018		
411-015-0006	Amend	5/23/2018	The Department needs to immediately amend the rules in OAR 411-015-0006 and 411-015-0008 to address concerns legal advocates raised surrounding the rules. The Department is doing this by: • Removing 411-015-0006(3)(b), the case managers consideration of an individual's understanding of the risks and consequences of refusal to take prescribed medications as a reason to deny services. • Adding additional details to better explain the tasks described in OAR 411-015-0006. • Clarifying, in 411-015-0008(1)(a)(A), that case managers must consider an individual's ability to full complete an activity and consider the individual's ability complete the tasks of the activity in a "dignified" manner.	Failure to act promptly and immediately to amend OAR chapter 411, divisions 015 would result in serious prejudice to the public interest, the Department, local offices, and consumers. The changes need to be made immediately to help ensure case managers assess individuals with potential cognitive impairments who are refusing to take medication. Improperly assessing consumers could lead to inappropriately denying individuals who should be receiving Medicaid Long Term Services and Supports.  Failure to clarify that case managers must consider an individual's dignity and safety while considering their ability to complete tasks could lead to the agency inappropriately denying individuals critical services and supports.
411-015-0008	Amend	5/23/2018	• Making changes to: correct grammatical errors; update terminology consistent with law or Department practice; and improve the accuracy, organization, structure, and clarity of the rules.	
411-020-0000	Amend	7/1/2018	These rules need to be amended immediately to align with the new Centralized Abuse Management (CAM) system the Department is beginning to implement starting in July 2018.	Failure to act promptly and immediately amend OAR 411-020-0002 will result in serious prejudice to the public interest, elderly persons, persons with physical disabilities, and the Department. The Department needs to proceed by immediately filing temporary rules because of the implementation of a new Centralized Abuse Management (CAM) system for documenting Adult Protective Services activities, beginning in two APD Distr+G79+G55:G82+G55:G83+G79+G55:G82+G55:G86+G55:G84+G55:G82
411-020-0002	Amend	7/1/2018		
411-020-0010	Amend	7/1/2018		
411-020-0015	Amend	7/1/2018	These changes address this need in the following ways:	
411-020-0020	Amend	7/1/2018		
411-020-0025	Amend	7/1/2018	• Changing terminology for parties involved in Adult Protective Services;	
411-020-0030	Amend	7/1/2018		
411-020-0040	Amend	7/1/2018	• Providing a new type of case closure (Administrative Closure) that allows certain open investigations to be	

