



Oregon

Kate Brown, Governor

Department of Human Services

Safety, Oversight, and Quality

PO Box 14530, Salem, OR 97309

3406 Cherry Ave NE, Salem, OR 97303

Phone: (503) 373-2227

Fax (503) 378-8966

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TO: Residential Care and Assisted
Living Facilities



FROM: Safety, Oversight and Quality

RE: New Involuntary Move-Out Rules

Changes have been made to Oregon Administrative Rule (OAR) 411-054-0080, which outlines the requirements for Involuntary Move-Out Notices. These changes are being made to ensure the facility has considered every option for each resident's successful stay.

Below are highlights of the changes for both the 30 Day Move-Out Notice and the Less Than 30 Day Move-Out Notice include:

30 Day Move-Out Notice:

- The facility will now have to consult with DHS prior to issuing this notice.
- The notice will be reviewed for accuracy, and that attempts through service-planning and documentation that the facility has tried to resolve the issue(s) leading to the notice.
- Disclosure information may be reviewed to ensure the resident and/or their legal representative has been informed as to what services the facility provides and what they don't provide.
- The Department will respond in writing in two business days of receipt of the notice as to whether the criteria has been met for a 30 Day Move-out Notice. If it does not, then the notice cannot be issued.
- The resident may request an administrative hearing within 10 business days of receipt of the notice.

Less than 30 Day Move-Out Notice:

DHS will review all less than 30 day move-out notices prior to being issued to the resident or their legal representative. The review will include the following:

- Accuracy and completeness of the notice.

- Disclosure information to ensure the resident and/or their legal representative has been informed as to what services the facility does and does not provide.
- Documented evidence that an appropriate staff person re-evaluated the resident after leaving the facility to receive medical or psychiatric treatment.
- The notice identifies what needs can no longer be met related to the medical or psychiatric event.
- If the facility considered staffing, ancillary services, and/or any resident health services that could be provided to make the resident's stay successful.
- Contacting of individuals associated with the resident's care to obtain additional comments or statements pertaining to the notice.
- DHS will respond in writing in two business days of receipt of the notice as to whether the notice and any accompanying information meets the criteria for a less than 30 Day Move-Out Notice. If it does not meet the criteria, then the notice cannot be issued. If it does, then the facility must issue the notice at least 24 hours before the resident can be transferred.
- The resident can ask for a review of the notice by the Administrator of the Safety, Oversight and Quality Unit at DHS. They may also request a hearing within 5 days of receipt of the notice.

An email box has been established for all move-out notices to be emailed to SOQ.Transfers@dhsosha.state.or.us. Notices can also be faxed to 503-378-8966. Move-out notice forms are being updated to reflect changes. Please continue to use the current move-out notice forms until revisions are completed.

To review the new rules and read for more guidance on these rules go to <https://www.oregon.gov/dhs/SENIORS-DISABILITIES/SPPD/APDRules/411-054.pdf>.

NOTE: It is recommended that each facility review their disclosure information to ensure it accurately describes what health, nursing, behavioral and care services the facility provides (and does not provide) per OAR 411-054-0026.

In addition, it is incumbent upon the facility to update their policies and procedures pertaining to issuing move-out notices to ensure it complies with OAR 411-054-0080.