

Memorandum

To: BHD Residential Treatment Providers

Community Mental Health Programs

From: Connie Rush, Mental Health Licensing & Certification Manager

Date: July 6, 2026

Subject: OAR 309, Division 35 Temporary Rules

Effective July 3, 2026, the Oregon Health Authority is implementing temporary Oregon Administrative Rule (OAR) 309, division 035 related to waitlist in Residential Treatment Homes (RTH), Residential Treatment Facilities (RTF) and Secure Residential Treatment Facilities (SRTF). Please click on the link below to access the rule changes. **Bulletin link:** <https://www.oregon.gov/oha/hsd/pages/mental-health-rules.aspx>

Why is this happening?

Changes to OAR 309-035 are necessary to implement changes necessary due to the [June 1, 2026, United States District Court Order](#) restricting admission to the Oregon State Hospital of those individuals requiring treatment to aid and assist in their defense of non-person level C felony charges. These changes ensure that all persons receiving treatment to aid and assist in their own defense are given equal priority for placement. Changes to OAR 309-035-0158 ensure that all individuals requiring treatment to aid and assist in their defense are given equal priority for placement.

These changes do not affect the ongoing work with providers and partners on future changes to waitlist prioritization process. OHA will continue plans to hold feedback sessions with a broad range of external partners, including: individuals with lived and living experience; family members and caregivers; consumer advocacy groups; the Office of the Residential Ombuds; residential providers; community organizations and providers, including culturally-specific providers; community mental health programs; hospitals; coordinated care organizations; the Nine Federally Recognized Tribes in

Oregon; and other interested parties. These sessions will tentatively be held in October and November of 2026 and will inform permanent changes to the prioritization rules.

Questions

If you have questions, please contact your assigned compliance specialist or the Mental Health Licensing & Certification Team at BHD.MH.ComplaintsTA@oha.oregon.gov.