

Memorandum

To: BHD Residential Treatment Providers

Community Mental Health Programs

From: Connie Rush, Mental Health Licensing & Certification Manager

Date: March 11, 2026

Subject: OAR 309, Division 35 Rulemaking

The Oregon Health Authority is implementing changes to Oregon Administrative Rule (OAR) 309, division 035 related to licensure of 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>

The attached Notice of Public Rulemaking (NPRM) includes details for interested parties to participate in the public hearing process. Written public comment can be also submitted to BHD.MH.ComplaintsTA@oha.oregon.gov until April 19, 2026.

Why is this happening?

Changes to OAR 309-035 were necessary to implement language required by HB2015, HB2024, HB4068, and SB739. Additional changes were made to update and clarify existing requirements and to correct formatting to improve consistency.

Changes

Changes to the rules include:

- Updating and clarifying definitions.
- Updating and clarifying requirements for initial applications.
- Repealing letter of intent requirements.
- Updating and clarifying policy and procedure requirements.

- Updating variance determination processes for facilities operating on Oregon State Hospital campuses.
- Updating requirements for initial inspections of new programs.
- Updating and clarifying program administrator requirements.
- Updating and clarifying social covenant requirements.
- Updating and clarifying resident summary sheet requirements.
- Updating and clarifying training requirements.
- Updating and clarifying smokeless tobacco requirements.
- Updating and clarifying emergency procedure and disaster plan requirements.
- Updating storage requirements for liquid propane gas.
- Updating and clarifying safety planning requirements.
- Updating and clarifying admission requirements.
- Updating and clarifying waitlist management requirements.
- Updating and clarifying residency agreement requirements.
- Updating and clarifying residency transfer and discharge requirements.
- Updating and clarifying requirements relating to resident protections.
- Updating residential service planning requirements.
- Updating and clarifying Person-Centered Service Planning requirements.
- Updating and clarifying medication disposal requirements.
- Updating and clarifying provisions for imposing civil penalties.
- Updating and clarifying requirements related to the denial, revocation, and non-renewal process.

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.