



Date: June 26, 2024

To: BHD Adult Foster Home Licensees
Community Mental Health Programs

From: Connie Rush, Mental Health Licensing & Certification Manager

Subject: Oregon Administrative Rule updates

Effective June 25, 2024, The Oregon Health Authority is implementing permanent Oregon Administrative Rule (OAR) 309, division 040 related to licensure of Mental Health Adult Foster Homes. 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 309-040 were necessary to adopt standards for the maintenance and usage of opioid antagonist medications for the emergency treatment of suspected overdoses.

Changes

Changes to the rules include:

- Adding definitions.
- Adding training requirements.
- Adding a requirement that residents discharging or transferring from their residence will be provided opioid antagonist medication.
- Modifying requirements regarding stock supplies of medication.
- Modifying requirements for secure medication storage to allow opioid overdose kits to be easily accessible.
- Adding requirements for the maintenance of opioid overdose kits.
- Adding requirement that program staff must immediately respond to suspected overdoses as described in the program's emergency procedure.

- Adding requirement that program staff cannot impede emergency services.
- Adding language that describes how program staff responding to a suspected overdose are protected against civil liability or criminal prosecution unless acting with gross negligence, willful misconduct, or intentional wrongdoing.
- Adding requirements for documentation to be completed after opioid antagonist medications are administered.
- Adding requirements for documenting daily and monthly checks of opioid overdose kits.
- Adding clarification that opioid overdose kits which are the personal property of residents do not need to be locked and do not need to be maintained as opioid overdose kits belonging to the AFH.

Questions

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