



**Date:** April 16, 2024

**To:** HSD Residential Treatment Providers  
Community Mental Health Programs

**From:** Connie Rush, Mental Health Licensing & Certification Manager

**Subject:** OAR 309, Division 35 Permanent Rules

Effective April 11, 2024, the Oregon Health Authority has implemented 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>

## Why is this happening?

Changes to OAR 309-035 were necessary to ensure compliance with Federal court orders related to United States District Court Case No. 3:02-cv-00339-MO and Case No. 3:21-cv-01637-MO. Changes were also 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:

- Modifying and adding definitions.
- Limiting some rights of individuals under jurisdiction of a supervisory entity when the individual is placed/admitted in an RTH, RTF or SRTF.
- Modifying access to resident records to include the supervisory entity when applicable.
- Limiting some rights of individuals under jurisdiction of a supervisory entity while the individual is residing in a RTH, RTF or SRTF.
- Limiting some rights of individuals under jurisdiction of a supervisory entity related to residency termination.

- Modifying requirements related to the assessment and person-centered service plan for those individuals under jurisdiction of a supervisory entity.
- Clarification of individually based limitations.
- 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.

## 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](mailto:HSD.MH.ComplaintsTA@oha.oregon.gov).