



Date: October 27, 2023

To: HSD Residential Treatment Providers
Community Mental Health Programs

From: Connie Rush, Mental Health Licensing & Certification Manager

Subject: OAR 309, Division 35 Temporary Rules

Effective October 15, 2023, the Oregon Health Authority is implementing temporary 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. These changes protect providers from being out of compliance with administrative rules when individuals have limitations imposed by a jurisdictional entity.

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.

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.