



PERMANENT ADMINISTRATIVE ORDER

FILED

01/05/2022 10:54 AM
ARCHIVES DIVISION
SECRETARY OF STATE
& LEGISLATIVE COUNSEL

BHS 1-2022

CHAPTER 309

OREGON HEALTH AUTHORITY

HEALTH SYSTEMS DIVISION: BEHAVIORAL HEALTH SERVICES

FILING CAPTION: Changes To Reflect CMS Approved State Plan Amendment And 1115 SUD Waiver Demonstration Project.

EFFECTIVE DATE: 01/05/2022

AGENCY APPROVED DATE: 01/04/2022

CONTACT: Dana Peterson

503-945-5772

bhrulemaking@dhsosha.state.or.us

500 Summer St NE

Salem, OR 97301

Filed By:

Hanna Christensen

Rules Coordinator

RULES:

309-018-0105, 309-018-0125, 309-018-0180, 309-019-0105, 309-019-0125, 309-019-0185

AMEND: 309-018-0105

NOTICE FILED DATE: 10/29/2021

RULE SUMMARY: Adding definitions related to the 1115 SUD Waiver Demonstration and related State Plan Amendment to include new services.

CHANGES TO RULE:

309-018-0105

Definitions ¶¶

(1) "Abuse of an Adult" means the circumstances defined in OAR 407-045-~~0260~~ for abuse of an adult with mental illness. ¶¶

(2) "Abuse of a Child" means the circumstances defined in ORS 419B.005. ¶¶

(3) "Health Systems Services and Supports" means all services and supports including but not limited to Outpatient Community Mental Health Services and Supports for Children and Adults, Intensive Treatment Services for Children, Outpatient and Residential Substance Use Disorders Treatment Services, and Outpatient and Residential Problem Gambling Treatment Services. ¶¶

(4) "Adolescent" means an individual from 12 through 17 years of age or those individuals who are determined to be developmentally appropriate for youth services. ¶¶

(5) "Adult" means a person 18 years of age or older or an emancipated minor. An individual with Medicaid eligibility, who is in need of services specific to children, adolescents, or young adults in transition, shall be considered a child until age 21 for the purposes of these rules. Adults who are between the ages of 18 and 21, who are considered children for purposes of these rules, shall have all rights afforded to adults as specified in these rules. ¶¶

(6) "Assessment" means the process of obtaining sufficient information through a face-to-face interview to determine a diagnosis and to plan individualized services and supports. ¶¶

(7) "ASAM Criteria" means the most current edition of the American Society of Addiction Medicine (ASAM) for the Treatment of Addictive, Substance-related, and Co-Occurring Conditions, which is a clinical guide to develop

patient-centered service plans and make objective decisions about admission, continuing care, and transfer or discharge for individuals and is incorporated by reference in these rules.¶

(8) "Authority" means the Oregon Health Authority.¶

(9) "Behavioral Health Treatment" means treatment for mental health, substance use disorders, and problem gambling.¶

(10) "Brief Intervention" means an early intervention for those using substances, by utilizing tribal-based, evidence-based, or culturally-based practice designed to engage and motivate individuals at risk of substance use disorder and related health problems to seek services and/or support. Brief interventions can also be used to encourage those with more serious dependence or disorders to accept more intensive treatment. Brief interventions are intended to address problematic or risky substance use that presents with or without a previous diagnosis.¶

(11) "Case Management" or "Targeted Case Management" means the services provided to assist individuals who reside in a community setting, or are transitioning to a community setting in gaining access to needed medical, social, educational, entitlement, and other applicable services.¶

(12) "Certificate" means the document or documents issued by the Division, which identifies and declares certification of a provider pursuant to OAR 309-008-0100 to 309-008-1600. A letter accompanying issuance of the certificate shall detail the scope and approved service delivery locations of the certificate.¶

(13) "Child" means an individual under the age of 18. An individual with Medicaid eligibility, who is in need of services specific to children, adolescents, or young adults in transition, shall be considered a child until age 21 for purposes of these rules.¶

(14) "Chief Officer" means the Chief Health Systems Officer of the Health Systems Division or designee.¶

(15) "Clinical Supervision" means oversight by a qualified clinical supervisor of substance use, problem gambling, or mental health services and supports provided according to this rule, including ongoing evaluation and improvement of the effectiveness of those services and supports.¶

(16) "Clinical Supervisor" means a person qualified to oversee and evaluate substance use, problem gambling, or mental health services and supports.¶

(17) "Co-occurring Substance Use and Mental Health Disorders (COD)" means the existence of a diagnosis of both a substance use disorder and a mental health disorder.¶

(18) "Community Health Worker" or "CHW" means an individual who meets qualification criteria adopted by the authority under ORS 414.665 (Traditional health workers utilized by coordinated care organizations) ¶

(19) "Court" means the last convicting or ruling court unless specifically noted.¶

(20) "Criminal Records Check" means the Oregon Criminal Records Check and the processes and procedures required by OAR 943-007-0001 through 943-007-0501.¶

(21) "Crisis" means either an actual or perceived urgent or emergent situation that occurs when an individual's stability or functioning is disrupted and there is an immediate need to resolve the situation to prevent a serious deterioration in the individual's mental or physical health or to prevent referral to a significantly higher level of care.¶

(22) "Crisis Stabilization Services" means providing evaluation and treatment to individuals experiencing a crisis. Crisis Services may be provided prior to completion of an intake. These services are intended to stabilize the person in crisis, prevent further deterioration and provide immediate treatment and intervention in a location best suited to meet the needs of the individual and in the least restrictive environment available.¶

(23) "Cultural Competence" means the process by which people and systems respond respectfully and effectively to people of all cultures, languages, classes, races, ethnic backgrounds, disabilities, religions, genders, sexual orientations, and other diversity factors in a manner that recognizes, affirms, and values the worth of individuals, families, and communities and protects and preserves the dignity of each.¶

(24) "Culturally Specific Program" means a program that is designed to meet the unique service needs of a specific culture and that provides services to a majority of individuals representing that culture.¶

(25) "Diagnosis" means the principal mental health, substance use or problem gambling diagnosis listed in the Diagnostic and Statistical Manual of Mental Disorders (DSM). The diagnosis is determined through the assessment and any examinations, tests, or consultations suggested by the assessment and are the medically appropriate reason for services.¶

(26) "Division" means the Health Systems Division of the Oregon Health Authority, or its designee.¶

(27) "DSM" means the most recent version of the Diagnostic and Statistical Manual of Mental Disorders published by the American Psychiatric Association.¶

(28) "Emergent" means the onset of symptoms requiring attention within 24 hours to prevent serious deterioration in mental or physical health or threat to safety.¶

(29) "Employment Support Services" means services approved by the division, determined to be necessary and provided to an individual to obtain and maintain employment in the community as they are transitioning from an inpatient or residential facility that provides substance use disorder treatment. ¶

- (30) "Entry" means the act or process of acceptance and enrollment into services regulated by this rule. ¶
- (2731) "Face to Face" means a personal interaction where both words can be heard and facial expressions can be seen in person or through telehealth services where there is a live streaming audio and video, if clinically appropriate. ¶
- (328) "Family" means the biological or legal parents, siblings, other relatives, foster parents, legal guardians, spouse, domestic partner, caregivers, and other primary relations to the individual whether by blood, adoption, legal, or social relationships. Family also means any natural, formal, or informal support persons identified as important by the individual. ¶
- (2933) "Gender Identity" means a person's self-identification of gender without regard to legal or biological identification, including but not limited to persons identifying themselves as male, female, transgender, and transsexual. ¶
- (304) "Gender Presentation" means the external characteristics and behaviors that are socially defined as either masculine or feminine, such as dress, mannerisms, speech patterns, and social interactions. ¶
- (315) "Grievance" means a formal complaint submitted to a provider verbally or in writing by an individual or the individual's chosen representative, pertaining to the denial or delivery of services and supports. ¶
- (326) "Guardian" means an individual appointed by a court of law to act as guardian of a minor or a legally incapacitated person. ¶
- (337) "HIPAA" means the federal Health Insurance Portability and Accountability Act of 1996 and the regulations published in Title 45, parts 160 and 164, of the Code of Federal Regulations (CFR). ¶
- (348) "Housing Support Services" means services approved by the division, provided to an individual to obtain and reside in an independent community setting and are tailored to the goal of maintaining an individual's personal health and welfare in a home and community-based setting as they are transitioning from an inpatient or residential facility that provides substance use disorder treatment. ¶
- (39) "Institutions of Mental Disease" or "IMD" means a hospital, nursing facility, or other institution of more than 16 beds that is primarily engaged in providing diagnosis, treatment, or care of persons with mental diseases, which includes substance use disorders (SUDs). ¶
- (40) "Incident Report" means a written description of any incident involving an individual or child of an individual receiving services occurring on the premises of the program or involving program staff or a Service Plan activity including but not limited to injury, major illness, accident, act of physical aggression, medication error, suspected abuse or neglect, or any other unusual incident that presents a risk to health and safety. ¶
- (3541) "Individual" means any individual being considered for or receiving services and supports regulated by these rules. ¶
- (3642) "Informed Consent for Services" means that the service options, risks and benefits have been explained to the individual and guardian, if applicable, in a manner that they comprehend, and the individual and guardian, if applicable, have consented to the services on, or prior to, the first date of service. ¶
- (437) "Interim Referral and Information Services" means services provided by a substance use disorders treatment provider to individuals on a waiting list and whose services are funded by the Substance Abuse Prevention and Treatment (SAPT) Block Grant to reduce the adverse health effects of substance use, promote the health of the individual, and reduce the risk of disease transmission. ¶
- (3844) "Institution means an establishment that furnishes (in single or multiple facilities) food, shelter, and some treatment or services to four or more persons unrelated to the proprietor. ¶
- (45) "Intern" or "Student" means an individual who provides a paid or unpaid program service to complete a credentialed or accredited educational program recognized by the State of Oregon. ¶
- (3946) "Level of Care" means the range of available services provided from the most integrated setting to the most restrictive and most intensive in an inpatient setting. ¶
- (407) "Licensed Health Care Professional" means a practitioner of the healing arts acting within the scope of his or her practice under State law who is licensed by a recognized governing board in Oregon. ¶
- (418) "Licensed Medical Practitioner (LMP)" means an individual who meets the following minimum qualifications as documented by the Local Mental Health Authority (LMHA) or designee: ¶
- (a) Physician licensed to practice in the State of Oregon; or ¶
 - (b) Nurse practitioner licensed to practice in the State of Oregon; or ¶
 - (c) Physician's Assistant licensed to practice in the State of Oregon; and ¶
 - (d) Whose training, experience, and competence demonstrate the ability to conduct a mental health assessment and provide medication management. ¶
- (429) "Local Mental Health Authority (LMHA)" means one of the following entities: ¶
- (a) The board of county commissioners of one or more counties that establishes or operates a CMHP; ¶
 - (b) The tribal council in the case of a federally recognized tribe of Native Americans that elects to enter into an agreement to provide mental health services; or ¶
 - (c) A regional local mental health authority comprised of two or more boards of county commissioners. ¶

(4350) "Medicaid" means the federal grant-in-aid program to state governments to provide medical assistance to eligible persons under Title XIX of the Social Security Act. ¶

(4451) "Medical Director" means a physician licensed to practice medicine in the State of Oregon and who is designated by a substance use disorders treatment program to be responsible for the program's medical services, either as an employee or through a contract. ¶

(452) "Medically Appropriate" means services and medical supplies required for prevention, diagnosis, or treatment of a physical or behavioral health condition or injuries and that are: ¶

(a) Consistent with the symptoms of a health condition or treatment of a health condition; ¶

(b) Appropriate with regard to standards of good health practice and generally recognized by the relevant scientific community and professional standards of care as effective; ¶

(c) Not solely for the convenience of an individual or a provider of the service or medical supplies; and ¶

(d) The most cost effective of the alternative levels of medical services or medical supplies that can be safely provided to an individual. ¶

(4653) "Medication Administration Record" means the documentation of the administration of written or verbal orders for medication, laboratory, and other medical procedures issued by an LMP acting within the scope of his or her license. ¶

(547) "Medication Assisted Treatment (MAT)" means the use of medication in combination with counseling and behavioral therapies for the treatment of substance use disorders. ¶

(4855) "Non IMD" means a hospital, nursing facility, or other institution with less than 16 beds that is primarily engaged in providing diagnosis, treatment, or care of persons with mental diseases, which includes substance use disorders (SUDs). ¶

(56) "Oregon Health Authority" means the Oregon Health Authority of the State of Oregon. ¶

(4957) "Outreach" means the delivery of behavioral health services, referral services, and case management services in non-traditional settings, including but not limited to the individual's residence, shelters, streets, jails, transitional housing sites, drop-in centers, single room occupancy hotels, child welfare settings, educational settings, or medical settings. It also refers to attempts made to engage or re-engage an individual in services by such means as letters or telephone calls. ¶

(508) "Peer" means any individual supporting an individual or the individual's family member who has similar life experience, either as a current or former recipient of substance use, problem gambling, or mental health services, or as a family member of an individual who is a current or former recipient of substance use, problem gambling, or mental health services. ¶

(519) "Peer-Delivered Services" are community-based services and supports provided by peers and peer support specialists to individuals or family members with similar lived experience. These services are intended to support individuals and families to engage individuals in ongoing treatment and to live successfully in the community. ¶

(5260) "Peer Support Specialist" means a qualified individual providing peer delivered services to an individual or family member with similar life experience under the supervision of a qualified clinical supervisor and a qualified peer delivered services supervisor as resources are made available. A peer support specialist shall be: ¶

(a) A self-identified individual currently or formerly receiving substance use, problem gambling or mental health services; ¶

(b) A self-identified individual in recovery from a substance use disorder who meets the abstinence requirements for recovering staff in substance use disorders treatment and recovery programs; ¶

(c) A self-identified individual in recovery from problem gambling; or ¶

(d) A person who has experience parenting a child who: ¶

(A) Is a current or former consumer of mental health or substance use treatment; or ¶

(B) Is facing or has faced difficulties in accessing education and health and wellness services due to a mental health or behavioral health barrier. ¶

(5361) "Peer Support and Peer Wellness Specialist Supervision" means supervision by a qualified clinical supervisor and a qualified peer delivered services supervisor as resources are available. The supports provided include guidance in the unique discipline of peer delivered services and the roles of peer support specialists and peer wellness specialists. ¶

(5462) "Peer Delivered Services Supervisor" means a qualified individual certified as a PSS or PWS with at least one year of experience as a PSS or PWS in behavioral health services to evaluate and guide PSS and PWS program staff in the delivery of peer delivered services and supports. ¶

(5563) "Peer Wellness Specialist" means an individual who supports an individual in identifying behavioral health service and support needs through community outreach, assisting individuals with access to available services and resources, addressing barriers to services, and providing education and information about available resources and behavioral health issues in order to reduce stigma and discrimination toward consumers of behavioral health services and to provide direct services to assist individuals in creating and maintaining recovery, health, and wellness under the supervision of a qualified clinical supervisor and a qualified peer delivered services supervisor

as resources are made available. A peer wellness specialist shall be:

(a) A self-identified individual currently or formerly receiving mental health services; or

(b) A self-identified individual in recovery from a substance use or gambling disorders who meets the abstinence requirements for recovering staff in substance use disorders or gambling treatment programs; or

(c) A family member of an individual who is a current or former recipient of substance use, mental health, or problem gambling services.

(564) "Problem Gambling Treatment Staff" means a person certified or licensed by a health or allied provider agency to provide problem gambling treatment services that include assessment, development of a Service Plan, group and family counseling.

(657) "Program" means a particular type or level of service that is organizationally distinct.

(5866) "Program Administrator" or "Program Director" means a person with appropriate professional qualifications and experience who is designated to manage the operation of a program.

(5967) "Program Staff" means an employee or person who, by contract with the program, provides a service and who has the applicable competencies, qualifications, or certification required in this rule to provide the service.

(608) "Provider" means an organizational entity or qualified individual that is operated by or contractually affiliated with a community mental health program or contracted directly with the Division for the direct delivery of substance use, problem gambling, or mental health services and supports.

(619) "Publicly Funded" means financial support, in part or in full, with revenue generated by a local, state, or federal government.

(6270) "Quality Assessment and Performance Improvement" means the structured, internal monitoring and evaluation of services to improve processes, service delivery, and service outcomes.

(6371) "Recovery" means a process of healing and transformation for a person to achieve full human potential and personhood in leading a meaningful life in communities of his or her choice.

(6472) "Representative" means a person who acts on behalf of an individual at the individual's request with respect to a grievance, including but not limited to a relative, friend, employee of the Division, attorney, or legal guardian.

(6573) "Resilience" means the universal capacity that a person uses to prevent, minimize, or overcome the effects of adversity. Resilience reflects a person's strengths as protective factors and assets for positive development.

(6674) "Residential Substance Use Disorders Treatment Program" means a publicly or privately operated program as defined in ORS 430.010 that provides assessment, treatment, rehabilitation, and twenty-four hour observation and monitoring for individuals with substance use dependence, consistent with Level III of ASAM PCC.

(675) "Residential Problem Gambling Treatment Program" means a publicly or privately operated program that is licensed in accordance with OAR 415-012-0000 through 415-012-0090 that provides assessment, treatment, rehabilitation, and twenty-four hour observation and monitoring for individuals with gambling related problems.

(768) "Screening" means the process to determine whether the individual needs further assessment to identify circumstances requiring referrals or additional services and supports.

(6977) "Service Delivery Rules" means the OAR describing specific regulatory standards for the possible array of services covered by certificates issued under chapter 309, division 8.

(708) "Service Plan" means a comprehensive plan for services and supports provided to or coordinated with an individual and his or her family, as applicable, that is reflective of the assessment and the intended outcomes of service.

(719) "Service Note" means the written record of services and supports provided, including documentation of progress toward intended outcomes, consistent with the timelines stated in the service plan.

(7280) "Service Record" means the documentation, written or electronic, regarding an individual and resulting from entry, assessment, orientation, services and supports planning, services and supports provided, and transfer.

(7381) "Services" means those activities and treatments described in the Service Plan that are intended to assist the individual's transition to recovery from a substance use disorder, problem gambling disorder, or mental health condition and to promote resiliency and rehabilitative and functional individual and family outcomes.

(7482) "Signature" means any written or electronic means of entering the name, date of authentication, and credentials of the person providing a specific service or the person authorizing services and supports. Signature also means any written or electronic means of entering the name and date of authentication of the individual receiving services, the guardian of the individual receiving services, or any authorized representative of the individual receiving services.

(7583) "Skills Training" or "Skills Restoration" means providing information and training to individuals and families designed to assist with the development of skills in areas including but not limited to anger management, stress reduction, conflict resolution, self-esteem, parent-child interactions, personal relationships, drug and alcohol awareness, behavior support, symptom management, accessing community services, and daily living.

(7684) "Specialty Program" means a licensed Residential Substance Use Disorder treatment program that focuses on providing treatment to specialized populations. Treatment programming and planning must be specialized to the population and individual being served.¶

(85) "Substance Abuse Prevention and Treatment Block Grant" or "SAPT Block Grant" means the federal block grants for prevention and treatment of substance abuse under Public Law 102-321 (31 U.S.C. 7301-7305) and the regulations published in Title 45 Part 96 of the Code of Federal Regulations.¶

(7786) "Substance Use Disorders" means disorders related to the taking of a drug of abuse including alcohol to the side effects of a medication and to a toxin exposure. The disorders include substance use disorders such as substance dependence and substance abuse and substance-induced disorders, including substance intoxication, withdrawal, delirium, and dementia, as well as substance induced psychotic disorder, mood disorder, etc., as defined in DSM criteria.¶

(787) "Substance Use Disorders Treatment and Recovery Services" means outpatient, intensive outpatient, and residential services and supports for individuals with substance use disorders.¶

(7988) "Substance Use Disorders Treatment Staff" means a person certified or licensed by a health or allied provider agency to provide substance use disorders treatment services that include assessment, development of a Service Plan, and individual, group, and family counseling.¶

(809) "Supports" means activities, referrals, and supportive relationships designed to enhance the services delivered to individuals and families for the purpose of facilitating progress toward intended outcomes.¶

(8190) "Transfer" means the process of assisting an individual to transition from the current services to the next appropriate setting or level of care.¶

(891) "Transitioning" means a 90-day period which begins when an individual is discharged from an inpatient or residential stay back to a community setting.¶

(92) "Trauma Informed Services" means services that are reflective of the consideration and evaluation of the role that trauma plays in the lives of people seeking mental health, substance use, or problem gambling services, including recognition of the traumatic effect of misdiagnosis and coercive treatment. Services are responsive to the vulnerabilities of trauma survivors and are delivered in a way that avoids inadvertent re-traumatization and facilitates individual direction of services.¶

(893) "Treatment" means the planned, medically appropriate, individualized program of medical, psychological, and rehabilitative procedures, experiences and activities designed to remediate symptoms of a DSM diagnosis that are included in the Service Plan.¶

(894) "Urinalysis Test" means an initial test and, if positive, a confirmatory test:¶

(a) An initial test shall include, at a minimum, a sensitive, rapid, and inexpensive immunoassay screen to eliminate "true negative" specimens from further consideration;¶

(b) A confirmatory test is a second analytical procedure used to identify the presence of a specific drug or metabolite in a urine specimen. The confirmatory test shall be by a different analytical method from that of the initial test to ensure reliability and accuracy;¶

(c) All urinalysis tests shall be performed by laboratories meeting the requirements of OAR 333-024-0305 to 333-024-0365.¶

(895) "Urgent" means the onset of symptoms requiring attention within 48 hours to prevent a serious deterioration in an individual's mental or physical health or threat to safety.¶

(896) "Variance" means an exception from a provision of these rules, granted in writing by the Division, upon written application from the provider. Duration of a variance is determined on a case-by-case basis.¶

(897) "Volunteer" means an individual who provides a program service or who takes part in a program service and who is not an employee of the program and is not paid for services. The services shall be non-clinical unless the individual has the required credentials to provide a clinical service.¶

(898) "Wellness" means an approach to healthcare that emphasizes good physical and mental health, preventing illness, and prolonging life.

Statutory/Other Authority: ORS 413.042, 430.256, 428.205 - 428.270, 430.640, 443.450

Statutes/Other Implemented: ORS 109.675, 179.505, 413.520 - 413.522, 430.010, 430.205 - 430.210, 430.254 - 430.640, 430.850 - 430.955, 443.400 - 443.460, 443.991, 461.549, 743A.168

AMEND: 309-018-0125

NOTICE FILED DATE: 10/29/2021

RULE SUMMARY: Adding definitions related to the 1115 SUD Waiver Demonstration and related State Plan Amendment to include new services.

CHANGES TO RULE:

309-018-0125

Specific Staff Qualifications and Competencies ¶¶

Program staff in the following positions must meet applicable credentialing or licensing standards, including those set forth in these rules: ¶¶

(1) Program administrators or program directors shall demonstrate competence in leadership, program planning and budgeting, fiscal management, supervision of program staff, personnel management, program staff performance assessment, use of data, reporting, program evaluation, quality assurance, and developing and coordinating community resources. ¶¶

(2) Clinical supervisors in all programs shall demonstrate competence in leadership, wellness, oversight and evaluation of services, staff development, service planning, case management and coordination, utilization of community resources, group, family and individual therapy or counseling, documentation and rationale for services to promote intended outcomes and implementation of all provider policies. ¶¶

(3) Clinical supervisors in substance use disorders treatment and recovery programs shall be certified or licensed by a health or allied provider agency as follows: ¶¶

(a) For supervisors holding a certification or license in substance use counseling, qualifications for the certificate or license shall have included at least: ¶¶

(A) 4000 hours of supervised experience in substance use counseling; ¶¶

(B) 300 contact hours of education and training in substance use related subjects; and ¶¶

(C) Successful completion of a written objective examination or portfolio review by the certifying body. ¶¶

(b) For supervisors holding a health or allied provider license, the license or registration shall have been issued by one of the following state bodies, and the supervisor shall possess documentation of at least 120 contact hours of academic or continuing professional education in the treatment of substance use disorders: ¶¶

(A) Oregon Medical Board; ¶¶

(B) Board of Psychologist Examiners; ¶¶

(C) Board of Licensed Social Workers; ¶¶

(D) Board of Licensed Professional Counselors and Therapists; or ¶¶

(E) Oregon State Board of Nursing. ¶¶

(c) Additionally, clinical supervisors in substance use disorders programs shall have one of the following qualifications: ¶¶

(A) Five years of paid full-time experience in the field of substance use disorders counseling; or ¶¶

(B) A Bachelor's degree and four years of paid full-time experience in the social services field with a minimum of two years of direct substance use disorders counseling experience; or ¶¶

(C) A Master's degree and three years of paid full-time experience in the social services field with a minimum of two years of direct substance use disorders counseling experience. ¶¶

(4) Clinical supervisors in problem gambling treatment and recovery programs shall meet the requirements for clinical supervisors in either mental health or substance use disorders treatment and recovery programs and have completed ten hours of gambling specific training within two years of designation as a problem gambling services supervisor. ¶¶

(5) "Community Health Worker" or "CHW" working in substance use disorders treatment and recovery programs shall be certified as described in OAR 410-180-0310 and who: ¶¶

(a) Has expertise or experience in behavioral health; ¶¶

(b) Works in an urban or rural community, either for pay or as a volunteer in association with a local health care system; ¶¶

(c) To the extent practicable, shares ethnicity, language, socioeconomic status and life experiences with the members of the community where the worker serves; ¶¶

(d) Assists members of the community to improve their health and increases the capacity of the community to meet the health care needs of its residents and achieve wellness; ¶¶

(e) Provides health education and information that is culturally appropriate to the individuals being served; ¶¶

(f) Assists community members in receiving the care they need; ¶¶

(g) CHW staff may: ¶¶

(A) Give peer assistance and guidance on health including behavioral health behaviors; and ¶

(B) Provide skills restoration services. ¶

(56) Peer Delivered Services Supervisors shall be a certified Peer Support Specialist (PSS) or Peer Wellness Specialist (PWS) with at least one year experience as a PSS or PWS in behavioral health treatment services. ¶

(67) Substance use disorders treatment staff shall: ¶

(a) Demonstrate competence in treatment of substance-use disorders including individual assessment to include identification of health and safety risks to self or others; individual, group, family and other counseling techniques; program policies and procedures for service delivery and documentation and identification; development of a safety plan; implementation and coordination of services identified to facilitate intended outcomes; and ¶

(b) Be certified or licensed by a health or allied provider agency, as defined in these rules, to provide substance use treatment within two years of the first hire date and shall make application for certification no later than six months following that date: ¶

(A) Clinical supervision shall document progress toward certification; and ¶

(B) The two years is not renewable if the individual ends employment with a provider and becomes re-employed with the same provider or another provider; ¶

(c) For treatment staff holding certification in substance use counseling, qualifications for the certificate shall have included at least: ¶

(A) 750 hours of supervised experience in substance use counseling; ¶

(B) 150 contact hours of education and training in substance use related subjects; and ¶

(C) Successful completion of a written objective examination or portfolio review by the certifying body. ¶

(d) For treatment staff holding a health or allied provider license, the license or registration shall have been issued by one of the following state bodies and the person shall possess documentation of at least 60 contact hours of academic or continuing professional education in substance use disorders treatment: ¶

(A) Oregon Medical Board; ¶

(B) Board of Psychologist Examiners; ¶

(C) Board of Licensed Social Workers; ¶

(D) Board of Licensed Professional Counselors and Therapists; or ¶

(E) Oregon State Board of Nursing. ¶

(78) Problem gambling treatment staff shall: ¶

(a) Demonstrate competence in treatment of problem gambling including individual assessment to include identification of health and safety risks to self or others; individual, group, family and other counseling techniques; program policies and procedures for service delivery and documentation and identification; implementation and coordination of services identified to facilitate intended outcomes; ¶

(b) Be certified or licensed by a health or allied provider agency, as defined in these rules, to provide problem gambling treatment within two years of the first hire date and shall make application for certification no later than six months of the first hire date; ¶

(A) Clinical supervision shall document progress toward certification; and ¶

(B) The two years is not renewable if the individual ends employment with a provider and becomes re-employed with the same provider or another provider. ¶

(c) For treatment staff holding certification in problem gambling counseling, qualifications for the certificate shall have included at least: ¶

(A) 500 hours of supervised experience in problem gambling counseling; ¶

(B) 60 contact hours of education and training in problem gambling related subjects; and ¶

(C) Successful completion of a written objective examination or portfolio review by the certifying body. ¶

(d) For treatment staff holding a health or allied provider license, the license or registration shall have been issued by one of the following state bodies, and the person shall possess documentation of at least 60 contact hours of academic or continuing professional education in problem gambling treatment: ¶

(A) Oregon Medical Board; ¶

(B) Board of Psychologist Examiners; ¶

(C) Board of Licensed Social Workers; ¶

(D) Board of Licensed Professional Counselors and Therapists; or ¶

(E) Oregon State Board of Nursing. ¶

(89) Peer support specialists and peer wellness specialists, including family and youth support and wellness specialists, shall meet the requirements in OAR 410-180-0300 to 0380 for certification and continuing education and demonstrate: ¶

(a) The ability to support others in their recovery or resiliency; and ¶

(b) Personal life experience and tools of self-directed recovery and resiliency.

Statutory/Other Authority: ORS 413.042, 430.640, 443.450

Statutes/Other Implemented: ORS 430.010, 430.205 - 430.210, 430.254 - 430.640, 430.850 - 430.955, 443.400 -

443.460, 443.991, 461.549, 743A.168

AMEND: 309-018-0180

NOTICE FILED DATE: 10/29/2021

RULE SUMMARY: Adding definitions related to the 1115 SUD Waiver Demonstration and related State Plan Amendment to include new services.

CHANGES TO RULE:

309-018-0180

Residential Substance Use Disorders Treatment and Recovery Programs ¶¶

(1) Programs approved to provide residential substance use disorders treatment services shall meet the following standards: ¶¶

- (a) The assessment shall contain an evaluation that identifies and assesses needs such as social isolation, self-reliance, parenting issues, domestic violence, physical health, housing, and financial considerations; ¶¶
- (b) The service plan shall address all areas identified in the assessment and applicable service coordination details to address the identified needs; ¶¶
- (c) The program shall provide or coordinate services and supports that meet the special access needs such as childcare, mental health services, and transportation, as indicated; and ¶¶
- (d) The program shall provide or coordinate the following services and supports unless clinically contraindicated: ¶¶

- (A) Gender-specific services and supports; ¶¶
- (B) Family services, including therapeutic services for children in the custody of individuals in treatment; ¶¶
- (C) Reintegration with family; ¶¶
- (D) Peer delivered supports; ¶¶
- (E) Smoking cessation; ¶¶
- (F) Housing; and ¶¶
- (G) Transportation; and ¶¶
- (H) Housing and Employment support services for those who qualify under OAR 309-019-0105. ¶¶

(2) Services shall include the participation of family and other agencies as appropriate, such as social service, child welfare, or corrections agencies. ¶¶

(3) The program shall coordinate services with the following, if indicated: ¶¶

(a) Agencies providing services to individuals who have experienced physical abuse, sexual abuse, or other types of domestic violence; and ¶¶

(b) Parenting training; and ¶¶

(c) Continuing care treatment services shall be consistent with the ASAM PPC and shall include referrals to support groups where available. ¶¶

(4) Providers that receive SAPT block grant funding shall provide or coordinate the following services for pregnant women and individuals with dependent children, including individuals who are attempting to regain custody of their children: ¶¶

(a) Primary medical care, including referral for prenatal care and child care; ¶¶

(b) Primary pediatric care, including immunizations for their children; ¶¶

(c) Gender specific substance use treatment and other therapeutic interventions for individuals that may include but are not limited to: ¶¶

(A) Relationship issues; ¶¶

(B) Sexual and physical abuse; ¶¶

(C) Parenting; ¶¶

(D) Access to child care while the individuals are receiving these services; and ¶¶

(E) Therapeutic interventions for children in the custody of individuals in treatment that may include but are not limited to: ¶¶

(i) Their developmental needs; ¶¶

(ii) Any issues concerning sexual and physical abuse and neglect; and ¶¶

(iii) Sufficient case management and transportation to ensure that individuals and their children have access to services. ¶¶

(5) Providers who deliver adolescent substance use disorders treatment services or those with adolescent-designated service funding shall meet the following standards: ¶¶

(a) Development of service plans and case management services shall include participation of parents, other family members, schools, children's services agencies, and juvenile corrections, as appropriate. ¶¶

(b) Services or appropriate referrals shall include: ¶¶

- (A) Family counseling; ¶
 - (B) Education services; ¶
 - (C) Community and social skills training; and ¶
 - (D) Smoking cessation service. ¶
- (c) Continuing care services shall be of appropriate duration and designed to maximize recovery opportunities.

The services shall include: ¶

- (A) Reintegration services and coordination with family and schools; ¶
- (B) Youth dominated self-help groups where available; ¶
- (C) Linkage to emancipation services when appropriate; and ¶
- (D) Linkage to physical or sexual abuse counseling and support services when appropriate.

Statutory/Other Authority: ORS 413.042, 428.205 - 428.270, 430.640, 443.450

Statutes/Other Implemented: ORS 430.010, 430.205 - 430.210, 430.254 - 430.640, 430.850 - 430.955, 443.400 - 443.460, 443.991, 461.549, 743A.168

AMEND: 309-019-0105

NOTICE FILED DATE: 10/29/2021

RULE SUMMARY: Adding definitions related to the 1115 SUD Waiver Demonstration and related State Plan Amendment to include new services.

CHANGES TO RULE:

309-019-0105

Definitions ¶¶

- (1) "Abuse of an Adult" means the circumstances defined in ORS 430.735 and OAR Chapter 407, Division 45 for abuse of an adult with mental illness. ¶¶
- (2) "Abuse of a Child" means the circumstances defined in ORS 419B.005. ¶¶
- (3) "Acute Care Psychiatric Hospital" means a hospital or facility that provides 24 hours-a-day psychiatric, multi-disciplinary, inpatient or residential stabilization, care, and treatment. ¶¶
- (4) "Substance Use, Problem Gambling, and Mental Health Services and Supports" means all services and supports including but not limited to Outpatient Behavioral Health Services and Supports for Children and Adults, Intensive Treatment Services for Children, Outpatient and Residential Substance Use Disorders Treatment Services, and Outpatient and Residential Problem Gambling Treatment Services. ¶¶
- (5) "Adolescent" means an individual from 12 through 17 years of age or those individuals determined to be developmentally appropriate for youth services. ¶¶
- (6) "Adult" means an individual 18 years of age or older or an emancipated minor. An individual with Medicaid eligibility who needs services specific to children, adolescents, or young adults in transition shall be considered a child until age 21 for the purposes of these rules. Adults who are between the ages of 18 and 21 who are considered children for purposes of these rules shall have all rights afforded to adults as specified in these rules. ¶¶
- (7) "Assertive Community Treatment (ACT)" means an evidence-based practice designed to provide comprehensive treatment and support services to individuals with serious and persistent mental illness. ACT is intended to serve individuals who have severe functional impairments and who have not responded to traditional psychiatric outpatient treatment. ACT services are provided by a single multi-disciplinary team, which typically includes a psychiatrist, a nurse, and at least two case managers and are designed to meet the needs of each individual and to help keep the individual in the community and out of a structured service setting, such as residential or hospital care. ACT is characterized by the following: ¶¶
 - (a) Low client to staff ratios; ¶¶
 - (b) Providing services in the community rather than in the office; ¶¶
 - (c) Shared caseloads among team members; ¶¶
 - (d) Twenty-four-hour staff availability; ¶¶
 - (e) Direct provision of all services by the team (rather than referring individuals to other agencies); and ¶¶
 - (f) Time-unlimited services. ¶¶
- (8) "Assessment" means the process of obtaining sufficient information through a face-to-face interview to determine a diagnosis and to plan individualized services and supports. ¶¶
- (9) "ASAM Criteria" means the most current edition of the American Society of Addiction Medicine (ASAM) for the Treatment of Addictive, Substance-related, and Co-Occurring Conditions, which is a clinical guide to develop patient-centered service plans and make objective decisions about admission, continuing care, and transfer or discharge for individuals and is incorporated by reference in these rules. ¶¶
- (10) "Authority" means the Oregon Health Authority, the agency established in ORS 413 that administers the funds for Titles XIX and XXI of the Social Security Act. It is the single state agency for the administration of the medical assistance program under ORS 414. For purposes of these rules, the agencies under the authority of the Oregon Health Authority are the Public Health Division, Health Systems Division, External Relations, Health Policy and Analytics, Fiscal and Operations, Office of Equity and Inclusion, and the Oregon State Hospital. ¶¶
- (11) "Behavioral Health Treatment" means treatment for mental health, substance use disorders, and problem gambling. ¶¶
- (12) "Behavior Support Plan" means the individualized proactive support strategies used to support positive behavior. ¶¶
- (13) "Behavior Support Strategies" means proactive supports designed to replace challenging behavior with functional, positive behavior. The strategies address environmental, social, neuro-developmental, and physical factors that affect behavior. ¶¶
- (14) "Best Practice Risk Assessment" has the meaning given that term in OAR 309-023-0110. ¶¶
- (15) "Board Registered Intern" means a post-graduate who is listed as active on the applicable Oregon Board

registry with one of the following qualifications:¶

(a) Psychologist Associate Residents as described in OAR 858-010-0037;¶

(b) Licensed Psychologist Associate under continued supervision as described in OAR 858-010-0038;¶

(c) Licensed Professional Counselor intern or Marriage and Family Therapist intern registered with the Oregon Board of Licensed Professional Counselors and Therapists as described in OAR 833-050-0011;¶

(d) Certificate of Clinical Social Work Associate issued by the Oregon Board of Licensed Social Workers as described in OAR 877-020-0009;¶

(e) Registered Bachelor of Social Work issued by the Oregon Board of Licensed Social Workers as described in OAR 877-015-0105.¶

(16) "Brief Intervention" means an early intervention for those using substances, by utilizing tribal-based, evidence-based, or culturally-based practice designed to engage and motivate individuals at risk of substance use disorder and related health problems to seek services and/or supports. Brief interventions can also be used to encourage those with more serious dependence or disorders to accept more intensive treatment. Brief interventions are intended to address problematic or risky substance use that presents with or without a previous diagnosis.¶

(17) "Care Coordination" means a process-oriented activity to facilitate ongoing communication and collaboration to meet multiple needs. Care coordination includes facilitating communication between the family, natural supports, community resources, and involved providers and agencies; organizing, facilitating and participating in team meetings; and providing for continuity of care by creating linkages to and managing transitions between levels of care and transitions for young adults in transition to adult services.¶

(178) "Case Management" or "Targeted Case Management" means the services provided to assist individuals who reside in a community setting or are transitioning to a community setting in gaining access to needed medical, social, educational, entitlement, and other applicable services.¶

(189) "Certificate of Approval" means the document issued by the Authority that identifies and declares certification of a provider pursuant to OAR chapter 309, division 008.¶

(1920) "Chief Officer" means the Chief Health Systems Officer of the Division or designee.¶

(201) "Child" means an individual under the age of 18. An individual with Medicaid eligibility who needs services specific to children, adolescents, or young adults in transition shall be considered a child until age 21 for purposes of these rules.¶

(212) "Clinical Supervision" means oversight by a qualified clinical supervisor of the rendering of substance use, problem gambling, and mental health services and supports, according to these rules, including ongoing evaluation and improvement of the effectiveness of those services and supports.¶

(223) "Clinical Supervisor" means program staff qualified to oversee and evaluate the rendering of substance use, problem gambling, or mental health services and supports.¶

(234) "Collaborative Educational Agreement" means an individualized written arrangement between an accredited college or university and a Division-certified provider pertaining to a student's internship or field placement experience.¶

(245) "Co-occurring Substance Use, Problem Gambling, and Mental Health Disorders (COD)" means the existence of a diagnosis for a substance use disorder, problem gambling disorder, or and a mental health disorder.¶

(256) "Community Health Worker" or "CHW" means an individual who meets qualification criteria adopted by the authority under ORS 414.665 (Traditional health workers utilized by coordinated care organizations)¶

(27) "Community Mental Health Program (CMHP)" means the organization of various services for individuals with a mental health diagnosis or addictive disorders operated by or contractually affiliated with a local mental health authority and operated in a specific geographic area of the state under an agreement with the Division pursuant to OAR chapter 309, division 014.¶

(268) "Conditional Release" means placement by a court or the Psychiatric Security Review Board (PSRB) of an individual who has been found eligible under ORS 161.327 or 161.336 for supervision and treatment in a community setting.¶

(279) "Coordinated Care Organization (CCO)" means a corporation, governmental agency, public corporation, or other legal entity that is certified as meeting the criteria adopted by the Authority under ORS 414.625 to be accountable for care management and to provide integrated and coordinated health care for each of the organization's members.¶

(2830) "Court" means the last convicting or ruling court unless specifically noted.¶

(2931) "Criminal Records Check" means the Oregon Criminal Records Check and the processes and procedures required by OAR 943-007-0001 through 0501.¶

(302) "Crisis" means an actual or perceived urgent or emergent situation that occurs when an individual's stability or functioning is acutely disrupted, and there is an immediate need to resolve the situation to prevent a serious deterioration in the individual's mental or physical health or to prevent referral to a significantly higher level of care or death.¶

(313) "Crisis Intervention" has the meaning given that term in OAR 309-023-0110.¶

(324) "Crisis Line Services" means phone-based services that establish immediate communication links and provide supportive interventions and information for individuals in an urgent or emergent situation.¶

(335) "Crisis Plan" means an individualized document designed to help anticipate and prevent future crisis episodes and direct interventions in the instance of a crisis.¶

(346) "Crisis Stabilization Services" means providing evaluation and treatment to individuals experiencing a crisis. Crisis Services may be provided prior to completion of an intake. These services are intended to stabilize the person in crisis, prevent further deterioration and provide immediate treatment and intervention in a location best suited to meet the needs of the individual and in the least restrictive environment available.¶

(37) "Culturally Responsive" means services that are respectful of and relevant to the beliefs, practices, culture and linguistic needs of diverse consumer/client populations and communities whose members identify as having particular cultural or linguistic affiliations by virtue of their place of birth, ancestry or ethnic origin, religion, preferred language or language spoken at home. Cultural responsiveness describes the capacity to respond to the issues of diverse communities. It thus requires knowledge and capacity at different levels of intervention: systemic, organizational, professional, and individual.¶

(358) "Culturally Specific Program" means a program designed to meet the unique service needs of a specific culture and that provides services to a majority of individuals representing that culture.¶

(369) "Declaration for Mental Health Treatment" means a written statement of an individual's preferences concerning their mental health treatment. The declaration is made when the individual is able to understand and legally make decisions related to such treatment. It is honored, as clinically appropriate, in the event the individual becomes unable to make such decisions.¶

(3740) "Diagnosis" means the principal mental health, substance use, or problem gambling diagnosis listed in the Diagnostic and Statistical Manual of Mental Disorders (DSM). The diagnosis is determined through the assessment and any examinations, tests, or consultations suggested by the assessment and is the medically appropriate reason for services.¶

(3841) "Division" means the Health Systems Division of the Oregon Health Authority, or its designee.¶

(3942) "DSM" means the of the Diagnostic and Statistical Manual of Mental Disorders Fifth Edition published by the American Psychiatric Association.¶

(403) "Driving Under the Influence of Intoxicants (DUI) Substance Use Disorders Rehabilitation Program" means a program of treatment and therapeutically oriented education services for an individual who is either:¶

(a) A violator of ORS 813.010 (Driving Under the Influence of Intoxicants); or,¶

(b) A defendant participating in a diversion agreement under ORS 813.200.¶

(414) "Employment Support Services" means services approved by division, determined to be necessary and provided to an individual to obtain and maintain employment in the community as they are transitioning from an inpatient or residential facility that provides substance use disorder treatment.¶

(45) "Enhanced Care Services (ECS)" and "Enhanced Care Outreach Services (ECOS)" means intensive behavioral and rehabilitative mental health services to eligible individuals who reside in Aging and People with Disabilities (APD) licensed homes or facilities.¶

(426) "Entry" means the act or process of acceptance and enrollment into services regulated by this rule.¶

(437) "Face to Face" means a personal interaction where both words can be heard and facial expressions can be seen in person or through telehealth services where there is a live streaming audio and video, if clinically appropriate.¶

(448) "Family" means the biological or legal parents, siblings, other relatives, foster parents, legal guardians, spouse, domestic partner, caregivers, and other primary relations to the individual whether by blood, adoption, or legal or social relationships. Family also means any natural, formal, or informal support persons identified as important by the individual.¶

(459) "Family Support" means the provision of peer delivered services to people defined as family to the individual. It includes support to caregivers at community meetings, assistance to families in system navigation and managing multiple appointments, supportive home visits, peer support, parent mentoring and coaching, advocacy, and furthering efforts to develop natural and informal community supports.¶

(4650) "Gender Identity" means an individual's self-identification of gender without regard to legal or biological identification including but not limited to individuals identifying themselves as male, female, transgender, gender transitioning and transitioned, non-binary, intersex, and gender diverse.¶

(4751) "Gender Expression" means the external characteristics and behaviors that are socially defined as masculine, feminine, or androgynous such as dress, mannerisms, speech patterns, and social interactions.¶

(4852) "Geographic Service Area" means the geographic area within the county boundaries in which the CMHP operates.¶

(4953) "Grievance" means a formal complaint submitted to a provider verbally or in writing by an individual or the individual's representative pertaining to the denial or delivery of services and supports.¶

(504) "Guardian" means an individual appointed by a court of law to act as guardian of a minor or a legally incapacitated individual. Guardian may also mean legal representative. ¶

(515) "HIPAA" means the federal Health Insurance Portability and Accountability Act of 1996 and the regulations published in Title 45, parts 160 and 164, of the Code of Federal Regulations (CFR). ¶

(526) "Housing Support Services" means services approved by division, provided to an individual to obtain and reside in an independent community setting and are tailored to the goal of maintaining an individual's personal health and welfare in a home and community-based setting as they are transitioning from an inpatient or residential facility that provides substance use disorder treatment. ¶

(57) "Institutions of Mental Disease" or "IMD" means a hospital, nursing facility, or other institution of more than 16 beds that is primarily engaged in providing diagnosis, treatment, or care of persons with mental diseases, which includes substance use disorders (SUDs). ¶

(58) "Individual" means any person being considered for or receiving services and supports regulated by these rules. ¶

(539) "Informed Consent for Services" means that the service options, risks, and benefits have been explained to the individual and guardian, if applicable, in a manner that they comprehend, and the individual and guardian have consented to the services on or prior to the first date of service. ¶

(5460) "Institution means an establishment that furnishes (in single or multiple facilities) food, shelter, and some treatment or services to four or more persons unrelated to the proprietor. ¶

(61) "Intensive In Home Behavioral Health Treatment (IIBHT) for Children" means an intensive, community based level of care for youth ages 0-20 years with complex mental health needs who are at risk for an out of home placement or who are stepping down from a higher level of care. IIBHT includes access to an array of services including individual and family therapy, case management, psychiatric services, skills training, peer delivered services, and proactive 24/7 crisis response. A Certificate of Approval from the Oregon Health Authority is required to render IIBHT services to eligible youth and families. For the purposes of IIBHT, "in home" means services delivered in the home, school, or other community setting, as specified by the individual and family. ¶

(5562) "Intensive Outpatient Substance Use Disorders Treatment Services" means structured, nonresidential evaluation, treatment, and continued care services for individuals with substance use disorders who need a greater number of therapeutic contacts per week than are provided by traditional outpatient services. Intensive outpatient services may include but are not limited to day treatment, correctional day treatment, evening treatment, and partial hospitalization. ¶

(563) "Intensive Outpatient Services and Supports (IOSS)" means a specialized set of comprehensive in-home and community-based supports and mental health treatment services for children that are developed by the child and family team and delivered in the most integrated setting in the community. ¶

(5764) "Interdisciplinary Team (IDT)" means a group of professional and direct care staff that have primary responsibility for the development of a Service Plan for an individual receiving services. ¶

(658) "Interim Referral and Information Services" means services provided by a substance use disorders treatment provider to individuals on a waiting list and whose services are funded by the Substance Abuse Prevention and Treatment (SAPT) block grant to reduce the adverse health effects of substance use, promote the health of the individual, and reduce the risk of disease transmission. ¶

(5966) "Intern" or "Student" means program staff rendering paid or unpaid program services or supports to complete a credentialed or accredited educational program recognized by the State of Oregon. ¶

(607) "Juvenile Psychiatric Security Review Board (JPSRB)" means the entity described in ORS 161.385. ¶

(618) "Legal Representative" means a person who has been legally designated by court order to make financial or health care decisions for another individual. The legal representative only has authority to act within the scope and limits of his or her authority as designated by the court or other agreement. Legal representatives acting outside of his or her authority or scope shall meet the definition of authorized representative. ¶

(629) "Lethal Means Counseling" means best practice research-based counseling strategies to help patients at risk for suicide and their families reduce access to lethal means, including but not limited to firearms. ¶

(6370) "Level of Care" means the range of available services provided from the most integrated setting to the most restrictive and most intensive in an inpatient setting. ¶

(6471) "Licensed Health Care Professional" means a practitioner of the healing arts acting within the scope of their practice under state law who is licensed by a recognized governing board in Oregon. ¶

(6572) "Licensed Medical Practitioner (LMP)" means program staff who meet the following minimum qualifications: ¶

- (a) Physician licensed to practice in the State of Oregon; or ¶
- (b) Nurse practitioner licensed to practice in the State of Oregon; or ¶
- (c) Physician's assistant licensed to practice in the State of Oregon; and ¶
- (d) Whose training, experience, and competence demonstrate the ability to conduct a mental health assessment and provide medication management; ¶

- (e) For IOSS and ITS providers, LMP means a Board-Certified or Child and Adolescent Psychiatrist licensed to practice in the State of Oregon or a Psychiatric Nurse Practitioner under the consultation of a board-certified or board-eligible child and adolescent psychiatrist licensed to practice in the State of Oregon.¶
- (6673) "Linkage agreement" has the meaning given that term in OAR 309-032-0860.¶
- (674) "Local Mental Health Authority (LMHA)" means one of the following entities:¶
- (a) The board of county commissioners of one or more counties that establishes or operates a CMHP;¶
- (b) The tribal council in the case of a federally recognized tribe of Native Americans that elects to enter into an agreement to provide mental health services; or¶
- (c) A regional local mental health authority composed of two or more boards of county commissioners.¶
- (6875) "Mandatory Reporter" means any public or private official, as defined in ORS 419B.005 or 430.735, who comes in contact with or has reasonable cause to believe that an individual has suffered abuse or that any person with whom the official comes in contact with has abused the individual. Pursuant to ORS 419B.010 or 430.765, psychiatrists, psychologists, clergy, and attorneys are not mandatory reporters with regard to information received through communications that are privileged under ORS 40.225 to 40.295.¶
- (769) "Medicaid" means the federal grant-in-aid program to state governments to provide medical assistance to eligible individuals under Title XIX of the Social Security Act.¶
- (707) "Medical Director" means a physician licensed to practice medicine in the State of Oregon and is designated by a substance use disorders treatment program to be responsible for the program's medical services, either as an employee or through a contract.¶
- (718) "Medical Supervision" means an LMP's review and approval, at least annually, of the medical appropriateness of services and supports identified in the service plan for each individual receiving mental health services for one or more continuous years.¶
- (729) "Medically Appropriate" means services and medical supplies required for prevention, diagnosis, or treatment of a physical or behavioral health condition or injuries that are:¶
- (a) Consistent with the symptoms of a health condition or treatment of a health condition;¶
- (b) Appropriate regarding standards of good health practice and generally recognized by the relevant scientific community and professional standards of care as effective;¶
- (c) Not solely for the convenience of an individual or a provider of the service or medical supplies; and¶
- (d) The most cost effective of the alternative levels of medical services or medical supplies that can be safely provided to an individual.¶
- (7380) "Medication Assisted Treatment (MAT)" means the use of medication in combination with counseling and behavioral therapies for the treatment of substance use disorders.¶
- (7481) "Mental Health Intern" means program staff who meet qualifications for QMHA and are currently enrolled in a graduate program approved by the Division-approved certification or licensing body but does not have the necessary graduate degree in psychology, social work, or related field of behavioral science, or have an equivalent degree as determined by the Division-approved certification or licensing body. The program staff shall:¶
- (a) Be enrolled in a graduate program that will result in a degree in psychology, social work, or related field of behavioral science, or an equivalent degree as evidenced by providing transcripts indicating applicable coursework meeting the required competencies and approved by the OHA-approved certification or licensing body.¶
- (b) Have a collaborative educational agreement between the Division-certified provider and the graduate program for the student; and¶
- (c) Work under the direct supervision of a qualified supervisor employed by the provider of services, within the scope of practice and competencies identified by the collaborative educational agreement, and within the policies and procedures for the credentialing of program staff as established by the provider.¶
- (7582) "Mobile Crisis Services" means mental health services for individuals in crisis provided by mental health practitioners who respond to behavioral health crises onsite at the location in the community where the crisis arises and who provide a face-to-face therapeutic response. The goal of mobile crisis services is to help an individual resolve a psychiatric crisis in the most integrated setting possible and to avoid unnecessary hospitalization, inpatient psychiatric treatment, involuntary commitment, and arrest or incarceration.¶
- (7683) "Mobile Crisis Response Time" means the time from the point when a professional decision is made that a face-to-face intervention is required to the time the actual face-to-face intervention takes place in the community.¶
- (7784) "Non IMD" means a hospital, nursing facility, or other institution with less than 16 beds that is primarily engaged in providing diagnosis, treatment, or care of persons with mental diseases, which includes substance use disorders (SUDs).¶
- (85) "Non-Medicaid Service Data" means data collected through the mandated state data system regarding services paid for by any source other than Medicaid and includes, but is not limited to:¶
- (a) Diagnosis;¶

- (b) Date of service;¶
- (c) Place of service;¶
- (d) Procedure code;¶
- (e) Modifier;¶
- (f) Number of service units; and¶
- (g) Billed charges.¶

(786) "Nursing Services" means services that are provided by a registered nurse (RN) or a licensed practical nurse (LPN) within the scope of practice as defined in OAR chapter 851 division 045.¶

(879) "Outpatient Substance Use Disorders Treatment Program" means a program that provides assessment, treatment, and rehabilitation on a regularly scheduled basis or in response to crisis for individuals with substance use disorders and their family members or significant others.¶

(808) "Outpatient Community Mental Health Services and Supports" means all outpatient mental health services and supports provided to children, youth, and adults.¶

(819) "Outpatient Problem Gambling Treatment Services" means all outpatient treatment services and supports provided to individuals with gambling related problems and their families.¶

(8290) "Outreach" means the delivery of behavioral health services, referral services, and case management services in non-traditional settings including but not limited to the individual's residence, shelters, streets, jails, transitional housing sites, drop-in centers, single room occupancy hotels, child welfare settings, educational settings, or medical settings. It also means attempts made to engage or re-engage an individual in services by such means as letters or telephone calls.¶

(8391) "PreEngagement Services" means services delivered prior to completion of an assessment, service plan, and/or commencement of formal treatment in order to engage high risk/high need individuals in ongoing treatment services and to avoid crisis events and higher levels of care.¶

(8492) "Peer" means program staff supporting an individual or the individual's family member who has similar life experience, either as a current or former recipient of mental health or substance use services, or as a family member of an individual who is a current or former recipient of substance use or mental health services.¶

(8593) "Peer-Delivered Services" are community-based services and supports provided by peers and peer support specialists to individuals or family members with similar lived experience. These services are intended to support individuals and families to engage individuals in ongoing treatment and to live successfully in the community.¶

(8694) "Peer Support Specialist" means program staff providing peer delivered services to an individual or family member with similar life experience under the supervision of a qualified clinical supervisor and a qualified peer delivered services supervisor as resources are made available. A peer support specialist shall be certified by the Authority's Office of Equity and Inclusion as required by OAR 410-180-0300 to 0380. and:¶

(8795) "Peer Support and Peer Wellness Specialist Supervision" means supervision by a qualified clinical supervisor and a qualified peer delivered services supervisor as resources are available. The supports provided include guidance in the unique discipline of peer delivered services and the roles of peer support specialists and peer wellness specialists.¶

(8896) "Peer Delivered Services Supervisor" means qualified program staff, with at least one year of experience as a PSS or PWS in behavioral health treatment services, to evaluate and guide PSS and PWS program staff in the delivery of peer delivered services and supports.¶

(897) "Peer Wellness Specialist" means program staff who supports an individual in identifying behavioral health service and support needs through community outreach, assisting individuals with access to available services and resources, addressing barriers to services, and providing education and information about available resources and behavioral health issues in order to reduce stigma and discrimination toward consumers of behavioral health services and to provide direct services to assist individuals in creating and maintaining recovery, health, and wellness. A peer wellness specialist shall meet the requirements within ORS 414.025:¶

~~(90) ¶~~

"Problem Gambling Approved Certification Consultant" means program staff who is a Certified Gambling Addiction Counselor, level II (CGACII) for a minimum of two years and has a minimum of ten hours of clinical supervision education. The purpose of the position is to provide consultation for CGAC candidates on 1) Fundamentals of Problem Gambling Treatment case conceptualization 2) the process and requirements of earning certification as a CGAC. This is a Mental Health and Addiction Certification Board of Oregon (MHACBO) distinction. ¶

(919) "Problem Gambling Treatment Staff" means program staff certified by a Division recognized credentialing body to provide problem gambling treatment services.¶

(92100) "Program" means a particular type or level of service that is organizationally distinct.¶

(93101) "Program Administrator" or "Program Director" means program staff with appropriate professional qualifications and experience who is designated to manage the operation of a program.¶

(94102) "Program Staff" means a person who by contract with the program provide a service and has the

applicable competencies, qualifications, or certification required to provide the service.¶

(95103) "Provider" means an individual, organizational provider, or Community Mental Health Program as designated under ORS 430.637(1)(b) that holds a current certificate to provide outpatient behavioral health treatment or prevention services pursuant to these and other applicable service delivery rules.¶

(96104) "Psychiatric Security Review Board (PSRB)" means the entity described in ORS 161.295 through 161.400.¶

(97105) "Psychiatrist" means a physician licensed pursuant to ORS 677.010 to 677.228 and 677.410 to 677.450 by the Oregon Medical Board and who has completed an approved residency training program in psychiatry.¶

(98106) "Psychologist" means a psychologist licensed by the Oregon Board of Psychology.¶

(99107) "Publicly Funded" means financial support, in part or in full, with revenue generated by a local, state, or federal government.¶

(1008) "Qualified Mental Health Associate (QMHA)" means program staff delivering services under the direct supervision of a QMHP who meets the minimum qualifications as authorized by the LMHA or designee and specified in OAR 309-019-0125.¶

(1019) "Qualified Mental Health Professional (QMHP)" means program staff LMP or any other program staff meeting the minimum qualifications as authorized by the LMHA or designee and specified in OAR 309-019-0125.¶

(1102) "Qualified Person" means program staff who is a QMHP or a QMHA and is identified by the PSRB and JPSRB in its Conditional Release Order. This individual is designated by the provider to deliver or arrange and monitor the provision of the reports and services required by the Conditional Release Order.¶

(10311) "Quality Assessment and Performance Improvement" means the structured, internal monitoring and evaluation of services to improve processes, service delivery, and service outcomes.¶

(10412) "Recovery" means a process of healing and transformation for an individual to achieve full human potential and personhood in leading a meaningful life in communities of their choice.¶

(10513) "Representative" means a person who acts on behalf of an individual at the individual's request with respect to a grievance including but not limited to a relative, friend, Division employee, attorney, or legal guardian.¶

(10614) "Resilience" means the universal capacity that an individual uses to prevent, minimize, or overcome the effects of adversity. Resilience reflects an individual's strengths as protective factors and assets for positive development.¶

(10715) "Respite Care" means planned and emergency supports designed to provide temporary relief from care giving to maintain a stable and safe living environment. Respite care may be provided in or out of the home. Respite care includes supervision and behavior support consistent with the strategies specified in the service plan.¶

(10816) "Safety Plan" means a best practice research-based individual directed document developed through a collaborative process in which the provider assists the individual in listing strategies to use when suicide ideation is elevated or after a suicide attempt.¶

(10917) "Screening" means the process to determine whether the individual needs further assessment to identify circumstances requiring referrals or additional services and supports.¶

(1108) "Screening Specialist" means a person who possesses valid certification issued by the Division to conduct DUII evaluations.¶

(1119) "Service Plan" means a comprehensive plan for services and supports provided to or coordinated for an individual and their family, as applicable, that is reflective of the assessment and the intended outcomes of service.¶

(1120) "Service Note" means the written record of services and supports provided, including documentation of progress toward intended outcomes consistent with the timelines stated in the service plan.¶

(1213) "Service Record" means the written or electronic documentation regarding an individual and resulting from entry into services, assessment, orientation, services and supports planning, services and supports provided, and transfer.¶

(11422) "Services" means activities and treatments described in the service plan and rendered, that are intended to assist the individual's transition to recovery from a substance use disorder, problem gambling disorder, or mental health condition and to promote resiliency and rehabilitative and functional individual and family outcomes.¶

(11523) "Signature" means any written or electronic means of entering the name, date of authentication, and credentials of the program staff providing a specific service or the individual authorizing services and supports. Signature also means any written or electronic means of entering the name and date of authentication of the individual, guardian, or any authorized representative of the individual receiving services.¶

(11624) "Skills Training" or "Skills Restoration" means providing information and training to individuals and families designed to assist with the development of skills in areas including but not limited to anger management,

stress reduction, conflict resolution, self-esteem, parent-child interactions, personal relationships, drug and alcohol awareness, behavior support, symptom management, accessing community services, and daily living. ¶
(14725) "Status Data" means data collected through the mandated state data system and includes, but is not limited to: ¶

- (a) Initial admission, diagnostic, and demographics data; ¶
- (b) Updates and changes as needed through the individual's enrollment in services; and ¶
- (c) Discharge or other discontinuation of services. ¶

(14826) "Student Intern" means program staff rendering behavioral health services in a Division-certified program, who does not meet the qualifications for QMHA. The program staff shall: ¶

- (a) Be currently enrolled in an undergraduate education program for a degree in psychology, social work, or other related field of behavioral science; ¶
- (b) Have a collaborative educational agreement between the Division-certified provider and the educational program for the student; and ¶
- (c) Render services and supports under the direct supervision of a qualified supervisor employed by the provider of services, within the scope of practice and competencies identified by the collaborative educational agreement, and within the policies and procedures for the credentialing of program staff as established by the provider. ¶

(14927) "Substance Abuse Prevention and Treatment Block Grant" or "SAPT Block Grant" means the federal block grants for prevention and treatment of substance abuse under Public Law 102-321 (31 U.S.C. 7301-7305) and the regulations published in Title 45 Part 96 of the Code of Federal Regulations. ¶

(1208) "Substance Use Disorders" means disorders related to the taking of a drug of abuse including alcohol to the side effects of a medication and to a toxin exposure. The disorders include substance use disorders such as substance dependence and substance abuse and substance-induced disorders, including substance intoxication, withdrawal, delirium, and dementia, and includes but is not limited to substance induced psychotic disorder, mood disorder, as defined in DSM criteria. ¶

(1249) "Substance Use Disorders Treatment and Recovery Services" means outpatient, intensive outpatient, and residential services and supports for individuals with substance use disorders. ¶

(122) ¶

"Substance Use Disorders Treatment Staff" means program staff certified by a Division-approved certification body to render substance use disorders treatment services. ¶

(1231) "Successful DUII Completion" means that the DUII program has documented in its records that for the period of service deemed necessary by the program, the individual has: ¶

- (a) Met the completion criteria approved by the Division; ¶
- (b) Met the terms of the fee agreement between the provider and the individual; and ¶
- (c) Demonstrated 90 days of continuous abstinence prior to completion. ¶

(1324) "Supports" means activities, referrals, and supportive relationships designed to enhance the services delivered to individuals and families for the purpose of facilitating progress toward intended outcomes. ¶

(12533) "Transfer" means the process of assisting an individual to transition from the current services to the next appropriate setting or level of care. ¶

(12634) "Transitioning" means a 90-day period which begins when an individual is discharged from an inpatient or residential stay back to a community setting. ¶

(135) "Trauma Informed Services" means services that are reflective of the consideration and evaluation of the role that trauma plays in the lives of people seeking mental health, substance use, or problem gambling services, including recognition of the traumatic effect of misdiagnosis and coercive treatment. Services are responsive to the vulnerabilities of trauma survivors and are delivered in a way that avoids inadvertent re-traumatization and facilitates individual direction of services. ¶

(12736) "Treatment" means the planned, individualized program of medical, psychological, and rehabilitative procedures, experiences, and activities designed to remediate symptoms of a DSM diagnosis that are included in the service plan. ¶

(12837) "Triage" means a classification process to determine priority needs. ¶

(12938) "Urinalysis Test" means an initial test and, if positive, a confirmatory test: ¶

- (a) An initial test shall include, at a minimum, a sensitive, rapid, and inexpensive immunoassay screen to eliminate "true negative" specimens from further consideration; ¶
- (b) A confirmatory test is a second analytical procedure used to identify the presence of a specific drug or metabolite in a urine specimen. The confirmatory test shall be by a different analytical method from that of the initial test to ensure reliability and accuracy; ¶
- (c) All urinalysis tests shall be performed by laboratories meeting the requirements of OAR 333-024-0305 through 0365. ¶

(1309) "Urgent" means the onset of symptoms requiring attention within 24 hours to prevent a serious deterioration in an individual's mental or physical health or threat to safety. ¶

(13140) "Variance" means an exception from a provision of these rules granted in writing by the Division pursuant to the process regulated by OAR 309-008-1600 upon written application from the provider. Duration of a variance is determined on a case-by-case basis.¶

(13241) "Volunteer" means program staff who provide a program service or take part in a program service and are not program employees and are not paid for services. The services shall be non-clinical unless the program staff has the required credentials to provide a clinical service.¶

(13342) "Warm Handoff" has the meaning given that term in OAR 309-032-0860.¶

(1343) "Wellness" means an approach to healthcare that emphasizes good physical and mental health, preventing illness, and prolonging life.¶

(13544) "Wraparound" means a high fidelity model of team-based intensive care coordination for children and their families based on National Wraparound Initiative values and principles.¶

(13645) "Young Adult in Transition" means an individual who is developmentally transitioning into independence, sometime between the ages of 14 and 25.

Statutory/Other Authority: ORS 161.390, 413.042, 430.256, 430.640

Statutes/Other Implemented: ORS 161.390 - 161.400, 428.205 - 270, 430.010, 430.205- 430.210, 430.254 - 430.640, 430.850 - 430.955, 743A.168

AMEND: 309-019-0125

NOTICE FILED DATE: 10/29/2021

RULE SUMMARY: Adding definitions related to the 1115 SUD Waiver Demonstration and related State Plan Amendment to include new services.

CHANGES TO RULE:

309-019-0125

Specific Staff Qualifications and Competencies ¶

Program staff shall meet the following qualifications, credentialing, or licensing standards and competencies: ¶

(1) Program staff, contractors, volunteers, and interns providing treatment services or Peer Delivered Services in substance use disorders, problem gambling, or mental health treatment programs shall be trained in and familiar with strategies for the delivery of trauma informed and culturally responsive treatment services. All treatment services shall be provided in a trauma informed and culturally responsive manner. ¶

(2) Program administrators and program directors shall demonstrate competence in leadership, cultural responsiveness, program planning and budgeting, fiscal management, supervision of program staff, personnel management, program staff performance assessment, use of data, reporting, program evaluation, quality assurance, and developing and coordinating community resources. ¶

(3) Clinical supervisors in all programs shall demonstrate competence in leadership, cultural responsiveness, oversight and evaluation of services, staff development, assessment, person-centered treatment planning, case management and coordination, utilization of community resources; group, family, and individual therapy or counseling; documentation and rationale for services to promote intended outcomes; and implementation of all provider policies. ¶

(4) Clinical supervisors in mental health programs shall meet QMHP requirements and have completed two years equivalent of post-graduate clinical experience in a mental health treatment setting. ¶

(5) Clinical supervisors in substance use disorders treatment programs shall be certified by a Division recognized credentialing body as follows: ¶

(a) For clinical supervisors holding a certification in substance use disorder counseling, qualifications for the certification shall have included at least: ¶

(A) 4000 hours of supervised experience in substance use counseling; ¶

(B) 300 contact hours of education and training in substance use related subjects; and ¶

(C) Successful completion of a professional psychometric examination by a Division recognized credentialing body. A substantively equivalent portfolio evaluation by a Division recognized credentialing body may be accepted in lieu of a professional psychometric examination using procedures approved by the Division. ¶

(b) Clinical supervisors not holding a certification in substance use disorder counseling shall have health or allied provider license. The license shall have been issued by one of the following state bodies and the supervisor shall possess documentation of at least 120 contact hours of academic or continuing professional education in the treatment of substance use disorders. ¶

(A) Oregon Medical Board; ¶

(B) Oregon Board of Psychologist Examiners; ¶

(C) Oregon Board of Licensed Social Workers; ¶

(D) Oregon Board of Licensed Professional Counselors and Therapists; or ¶

(E) Oregon State Board of Nursing. ¶

(c) Additionally, clinical supervisors in substance use disorders programs shall have one of the following qualifications: ¶

(A) Five years of paid full-time experience in the field of substance use disorders counseling; or ¶

(B) A Bachelor's degree and four years of paid full-time experience in the social services field with a minimum of two years of direct substance use disorders counseling experience; or ¶

(C) A Master's degree and three years of paid full-time experience in the social services field with a minimum of two years of direct substance use or co-occurring disorders counseling experience. ¶

(6) Clinical supervisors in problem gambling treatment programs shall meet the requirements for clinical supervisors in either mental health or substance use disorders treatment programs and have completed ten hours of training specific to problem gambling within six months of designation as a problem gambling services supervisor. ¶

(7) "Community health worker" or "CHW" working in substance use disorders treatment and recovery programs shall be certified as described in OAR 410-180-0310 and who: ¶

(a) Has expertise or experience in behavioral health; ¶

(b) Works in an urban or rural community, either for pay or as a volunteer in association with a local health care system; ¶

(c) To the extent practicable, shares ethnicity, language, socioeconomic status and life experiences with the members of the community where the worker serves; ¶

(d) Assists members of the community to improve their health and increases the capacity of the community to meet the health care needs of its residents and achieve wellness; ¶

(e) Provides health education and information that is culturally appropriate to the individuals being served; ¶

(f) Assists community members in receiving the care they need; ¶

(g) CHW staff may: ¶

(A) Give peer assistance and guidance on health including behavioral health behaviors; and ¶

(B) Provide skills restoration services. ¶

(8) Peer Delivered Services Supervisors shall be a certified Peer Support Specialist (PSS) or Peer Wellness Specialist (PWS) with at least one year of experience in behavioral health treatment services, as resources are made available, or by a qualified supervisor for the program in which the Peer renders services. ¶

(89) Substance use disorders program staff shall: ¶

(a) Demonstrate competence in the following areas: cultural responsiveness, screening for substance use disorder, recognition of intoxication and withdrawal, ASAM assessment and level of care placement, DSM diagnostics, development of a service plan, case management and care coordination, facilitation of drug testing, and delivery of individual, group and family counseling, program policies and procedures for service delivery and documentation, and identification, implementation, and coordination of services identified to facilitate intended outcomes, and identification of health and safety risks to self or others; and ¶

(b) Receive clinical supervision that documents progress towards certification and recertification; or ¶

(c) At the date of first hire to provide substance use disorder treatment, if the program staff is not certified to provide substance use disorder treatment, they shall register with the Division recognized credentialing body within 30 days of hire and obtain professional substance use disorder treatment certification within two years from the date of first hire; ¶

(d) If, during the first two years of employment, or a prorated timeframe if employed part time, the program staff has not yet been certified and is employed by a program that is certified by the Division, the program staff may request the program submit a request for variance with the Division; ¶

(e) For program staff holding certification in substance use disorder counseling, qualifications for certification shall have included at least: ¶

(A) 1000 hours of supervised experience in substance use counseling; ¶

(B) 150 contact hours of education and training in substance use related subjects; and ¶

(C) Successful completion of a professional psychometric examination by a Division recognized credentialing body. A substantively equivalent portfolio evaluation by Division recognized credentialing body may be accepted in lieu of a professional psychometric examination using procedures approved by the Division. ¶

(f) Program staff not holding certification from a Division recognized credentialing body in substance use disorder counseling shall have a license or registration from a Division recognized credentialing body and at least 60 contact hours of academic or continuing professional education in the treatment of substance use disorders. The license or registration shall have been issued by one of the following state bodies: ¶

(A) Oregon Medical Board; ¶

(B) Oregon Board of Psychologist Examiners; ¶

(C) Oregon Board of Licensed Social Workers; ¶

(D) Oregon Board of Licensed Professional Counselors and Therapists; or ¶

(E) Oregon State Board of Nursing. ¶

(910) Problem Gambling program staff shall: ¶

(a) Demonstrate competence in the following areas: treatment of problem gambling and gambling disorder including individual assessment to include identification of health and safety risks to self or others; individual, group, family, and other counseling techniques; program policies and procedures for service delivery and documentation, implementation and coordination of services identified to facilitate intended outcomes and cultural responsiveness; ¶

(b) Receive clinical supervision that documents progress towards certification and recertification; ¶

(c) At the date of first hire to provide gambling addiction treatment, if a program staff is not certified to provide problem gambling treatment, they shall register with the Division recognized credentialing body within 30 days of hire to obtain professional gambling addiction certification; ¶

(d) If, during the first two years of employment or a prorated timeframe if employed part time, a program staff has not yet been certified and is employed by a program that is certified by the Division, the program staff may request the program submit a request for variance with the Division; ¶

(e) For program staff holding certification in gambling addiction counseling, qualifications for certification shall

include at least:

- (A) 500 hours of supervised experience in gambling addiction counselor domains;
 - (B) 60 contact hours of education and training in problem gambling;
 - (C) 24 hours of face-to-face, telephone, email or other electronic communication, of certification consultation from a problem gambling approved certification consultant; and
 - (D) Successful completion of a professional psychometric examination by a Division recognized credentialing body or a substantively equivalent portfolio evaluation by a Division recognized credentialing body may be accepted in lieu of a professional psychometric examination using procedures approved by the Division.
- (f) Program staff not holding certification in gambling addiction counseling by a Division recognized credentialing body shall have at least 60 contact hours of academic or continuing professional education in the treatment of gambling addiction. The license or registration shall have been issued by one of the following state bodies:

- (A) Oregon Medical Board;
- (B) Oregon Board of Psychologist Examiners;
- (C) Oregon Board of Licensed Social Workers;
- (D) Oregon Board of Licensed Professional Counselors and Therapists; or
- (E) Oregon State Board of Nursing.

(101) Qualified Mental Health Associates (QMHA) program staff shall:

(a) Demonstrate the following minimum competencies: cultural responsiveness, effective communication, care coordination, inter- and intra-agency collaboration, working alliances with individuals, assist in the gathering and compiling of information to be included in the assessment, screen for suicide and other risks, and implement timely interventions, teach skill development strategies, case management, and transition planning;

(b) Render services and supports within their scope to individuals engaged in a Division approved behavioral health services provider; and

(c) Shall meet the following minimum qualifications:

- (A) Bachelor's degree in psychology, social work, or behavioral science field;
- (B) An equivalent degree as evidenced by providing transcripts indicating applicable coursework meeting the required competencies and approved by a Division certified behavioral health provider; or
- (C) A combination of at least three years of relevant work, education, training, or experience.

(d) Receive clinical supervision that documents progress towards certification and recertification.

(112) Qualified Mental Health Professional (QMHP) program staff shall:

(a) Demonstrate the following minimum competencies: cultural responsiveness, effective communication, care coordination, inter- and intra-agency collaboration, working alliances with individuals, suicide and other risk assessments and interventions, creating and monitoring safety plans, completion of bio-psycho-social assessments and additional assessments, updating assessments when clinical circumstances change, generating a differential DSM diagnosis, prioritizing health, wellness and recovery needs, writing measurable service objectives, creating, monitoring and revising service plans, delivery of mental health and recovery treatment services in individual, group and family formats within their scope, gathering and recording data that measures progress toward the service objectives and documenting services, supports and other information supportive of the service plan.

(b) Render services and supports within their scope to individuals engaged in a Division approved behavioral health services program;

(c) Meet the following minimum qualifications:

- (A) Bachelor's degree in nursing and licensed by the State of Oregon. Nurses are accountable to abide by the Oregon Nurse Practice Act to determine if job descriptions are compliant with the competencies listed above;
- (B) Bachelor's degree in occupational therapy and licensed by the State of Oregon;
- (C) Graduate degree in psychology, social work, recreational art or music therapy, or behavioral science field;
- (D) An equivalent degree as evidenced by providing transcripts indicating applicable coursework meeting the required competencies and approved by a Division certified behavioral health provider; or
- (E) Qualify as a Mental Health Intern, as described in these rules.

(d) Receive clinical supervision that documents progress towards certification and recertification.

(123) Mental Health Intern (MHI) program staff shall:

(a) Be currently enrolled in a graduate program for a master's degree in psychology, social work, or related field of behavioral science;

(b) Have a collaborative educational agreement between the Division certified provider and the graduate program for the student;

(c) Demonstrate cultural responsiveness, effective communication and competence in care coordination, development of working alliances with individuals, inter- and intra-agency collaboration, and the rendering of services and supports within their scope and in accordance with the service plan, including transition planning; and

(d) Work within the scope of practice and competencies identified by collaborative educational agreement and the policies and procedures for the credentialing of clinical staff as established by the provider and the graduate program; ¶

(134) Student Intern program staff shall: ¶

(a) Be currently enrolled in an educational program that results in an undergraduate degree in a behavioral health field; ¶

(b) Demonstrate cultural responsiveness, effective communication and competence in care coordination, development of working alliances with individuals, inter- and intra-agency collaboration, and the rendering of services and supports within their scope and in accordance with the service plan, including transition planning; ¶

(c) Have a collaborative education agreement between the Division certified provider and the educational institute for the student; ¶

(d) Work within the scope of practice and competencies identified by the collaborative educational agreement and the policies and procedures for the credentialing of clinical staff as established by the provider; and ¶

(e) Receive, at a minimum, weekly individual supervision by a qualified clinical supervisor employed by the provider of services. ¶

(145) Rehabilitative Behavioral Health Service Providers, including Medical staff, shall demonstrate cultural responsiveness and meet the requirements and qualifications in OAR 410-172-0660. ¶

(156) Medical Directors shall be licensed under ORS 677 or 685 and may perform health maintenance and restoration measures consistent with generally recognized and accepted principles of medicine, including but not limited to: ¶

(a) Administering, dispensing, or writing prescriptions for drugs; ¶

(b) Recommending the use of specific and appropriate over-the-counter pharmaceuticals; ¶

(c) Ordering diagnostic tests; and ¶

(d) Perform tasks required by OAR 309-019-0200. ¶

(167) Peer Support Specialists and Peer Wellness Specialists, including family and youth support and wellness specialists, shall meet the requirements in OAR 410-180-0300 to 0380 for certification and continuing education. ¶

(a) A Peer Support Specialist and Peer Wellness Specialist shall be: ¶

(A) A self-identified individual currently or formerly receiving mental health or substance use services; ¶

(B) A self-identified individual in recovery from a substance use disorder who meets the abstinence requirements for recovering staff in substance use disorders treatment and recovery programs. ¶

(C) A self-identified individual in recovery from problem gambling; or ¶

(D) A person who has experience parenting a child who: ¶

(i) Is a current or former recipient of mental health or substance use treatment; or ¶

(ii) Is facing or has faced difficulties in accessing education and health and wellness services due to a mental health or behavioral health barrier. ¶

(b) A Peer Support Specialist and Peer Wellness Specialist shall demonstrate: ¶

(A) The ability to support others in their recovery or resiliency; ¶

(B) Personal life experience and tools of self-directed recovery and resiliency; and ¶

(C) Demonstrate cultural responsiveness and effective communication.

Statutory/Other Authority: ORS 161.390, 413.042, 430.256, 430.640

Statutes/Other Implemented: ORS 430.254 - 430.640, 430.850 - 430.955, 743A.168, ORS 428.205 - 428.270, 430.010

AMEND: 309-019-0185

NOTICE FILED DATE: 10/29/2021

RULE SUMMARY: Adding definitions related to the 1115 SUD Waiver Demonstration and related State Plan Amendment to include new services.

CHANGES TO RULE:

309-019-0185

Outpatient Substance Use Disorders Treatment and Recovery Programs

(1) Programs approved to provide outpatient substance use disorders treatment services shall meet the following standards: ¶

(a) The assessment shall contain an evaluation that identifies and assesses needs such as social isolation, self-reliance, parenting issues, domestic violence, physical health, housing, and financial considerations; ¶

(b) The service plan shall address all areas identified in the assessment and applicable service coordination details to address the identified needs; ¶

(c) The program shall provide or coordinate services and supports that meet special access needs such as childcare, mental health services, and transportation; and ¶

(d) The program shall provide or coordinate the following services and supports: ¶

(A) Gender-specific services and supports; ¶

(B) Family services, including therapeutic services for children in the custody of women in treatment; ¶

(C) Reintegration with family; ¶

(D) Peer delivered services; ¶

(E) Smoking cessation; ¶

(F) Housing; and ¶

(G) Transportation; and ¶

(H) Housing and Employment support services for those who qualify under OAR 309-0190-0105. ¶

(2) Services shall include the participation of family and other agencies as appropriate, such as social service, child welfare, or corrections agencies. ¶

(3) The program shall coordinate referral services with the following: ¶

(a) Agencies providing services to individuals who have experienced physical abuse, sexual abuse, or other types of domestic violence; ¶

(b) Parenting training; ¶

(c) Continuing care treatment services shall be consistent with the ASAM and shall include referrals to support groups where available. ¶

(4) Programs that receive SAPT block grant funding shall provide or coordinate the following services for individuals: ¶

(a) Primary medical care, including referral for prenatal care if applicable, and child care and transportation where needed; ¶

(b) Primary pediatric care, including immunizations for their children; ¶

(c) Gender specific substance use disorders treatment and other therapeutic interventions that may include but are not limited to: ¶

(A) Relationship issues; ¶

(B) Sexual and physical abuse; ¶

(C) Parenting; ¶

(D) Access to child care and transportation while receiving these services; and ¶

(E) Therapeutic interventions for children in the custody of women or men in treatment that may include but are not limited to: ¶

(i) Their developmental needs; ¶

(ii) Any issues concerning sexual and physical abuse and neglect; and ¶

(iii) Sufficient case management and transportation to ensure that individuals and their children have access to services. ¶

(5) Providers that deliver adolescent substance use disorders treatment services or those with adolescent-designated service funding shall meet the following standards: ¶

(a) Development of service plans and case management services shall include participation of parents, other family members, schools, children's services agencies, and juvenile corrections; ¶

(b) Services or appropriate referrals shall include: ¶

(A) Family counseling; ¶

(B) Community and social skills training; and ¶

(C) Smoking cessation service.¶¶

(6) Continuing care services shall be of appropriate duration and designed to maximize recovery opportunities. The services shall include:¶¶

(a) Reintegration services and coordination with family and schools;¶¶

(b) Youth dominated self-help groups where available;¶¶

(c) Referral to emancipation services when appropriate;¶¶

(d) Referral to physical or sexual abuse counseling and support services when appropriate; and¶¶

(e) Referral for peer delivered services.

Statutory/Other Authority: ORS 161.390, 413.042, 430.640

Statutes/Other Implemented: ORS 161.390 - 161.400, 428.205 - 428.270, 430.010, 430.205 - 430.210, 430.254-430.640, 430.850 - 430.955, 743A.168