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DENNIS RICHARDSON
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ARCHIVES DIVISION
MARY BETH HERKERT
DIRECTOR

800 SUMMER STREET NE
SALEM, OR 97310
503-373-0701

PERMANENT ADMINISTRATIVE ORDER

BHS 2-2019
CHAPTER 309
OREGON HEALTH AUTHORITY
HEALTH SYSTEMS DIVISION: BEHAVIORAL HEALTH SERVICES

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ARCHIVES DIVISION
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FILING CAPTION: Define Requirements for Compensation for Individuals Who Are Temporarily Displaced from Their Housing

EFFECTIVE DATE: 02/08/2019

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CONTACT: Wanda Davis 500 Summer St NE
503-945-6579 Salem, OR 97301
wanda.davis@dhsosha.state.or.us

Filed By:
Wanda Davis
Rules Coordinator

RULES:

309-011-0105, 309-011-0110, 309-011-0115

AMEND: 309-011-0105

REPEAL: Temporary 309-011-0105 from BHS 20-2018

RULE TITLE: Purpose

NOTICE FILED DATE: 12/21/2018

RULE SUMMARY: The Division needs to amend these rules to define the reserved service capacity requirements to assure accurate compensation to providers for individuals temporarily displaced from their housing.

RULE TEXT:

(1) The purpose of OAR 309-011-0105 to 309-011-0115 is to establish the standards by which the Health Systems Division approve payments to licensed residential programs funded by the Division for adults diagnosed with mental health disorders.

(2) OAR 309-011-0105 to 309-011-0115 facilitate a system of residential services and supports driven by individual needs promoting recovery and wellness.

STATUTORY/OTHER AUTHORITY: ORS 430.210, 413.042, 443.450

STATUTES/OTHER IMPLEMENTED: ORS 443.400 - 443.460, 443.991

AMEND: 309-011-0110

REPEAL: Temporary 309-011-0110 from BHS 20-2018

RULE TITLE: Definitions

NOTICE FILED DATE: 12/21/2018

RULE SUMMARY: The Division needs to amend these rules to define the reserved service capacity requirements to assure accurate compensation to providers for individuals temporarily displaced from their housing.

RULE TEXT:

- (1) "Adult" means an individual 18 years of age or older, or an emancipated minor, conditioned upon the following:
 - (a) An individual with Medicaid eligibility who is in need of services specific to children, adolescents, or young adults in transition must be considered a child until age 21.
 - (b) Adults who are between the ages of 18 and 21 who are considered children must have all rights afforded to Adults as specified in these rules.
- (2) "Community Mental Health Program (CMHP)" means an entity that is responsible for planning and delivery of services for individuals with substance use disorders or a mental health diagnosis, operated in a specific geographic area of the state under an Intergovernmental Agreement or direct contract with the Division as defined in OAR 309-019-0105.
- (3) "Division" means the Health Systems Division of the Oregon Health Authority or designee.
- (4) "Occupied" means a specific individual is actively residing in a designated program living space and is receiving services as defined in OAR 410-172-0730.
- (5) "Occupancy Rate" means the calculated minimum rate of occupancy in a residential program's operating budget that reflects the percentage of occupancy needed to meet expenses.
- (6) "Operating Budget" means a Division approved budget utilizing Division prescribed forms for setting rates in Residential Programs.
- (7) "Population Designation" means any term used to describe an individual in terms of their legal status or other category to include but not limited to those who are civilly committed, admitted voluntarily, or under the jurisdiction of the Psychiatric Security Review Board (PSRB).
- (8) "Provider" means the program administrator, individual, or organizational entity licensed by the Division that operates the program and provides services to individuals.
- (9) "Residential Program" means all licensed Secure Residential Treatment Facilities, Residential Treatment Facilities, and Residential Treatment Homes funded by the Health Systems Division or its designee to provide services for Adults diagnosed with a mental health disorder.
- (10) "Service Plan" means a comprehensive plan for services and supports provided to or coordinated for an individual and their family that is reflective of the comprehensive plan and the intended outcomes of service.
- (11) "Services and Supports" means those services defined as habilitation services and psychosocial rehabilitation services under OAR 410-172-0700(1) (2) and 410-172-0710(1)(2).
- (12) "Supervision" means a program staff's observation and monitoring of an individual or oversight of a program staff by the program administrator applicable to the context.
- (13) "Vacancy Rate" means the vacancy percentage calculated in a Residential Program's operating budget that reflects the vacant days available per month without impact on funding.
- (14) "Wellness" means an approach to healthcare that emphasizes good physical and mental health, preventing illness, and prolonging life.

STATUTORY/OTHER AUTHORITY: ORS 413.042, 443.450

STATUTES/OTHER IMPLEMENTED: ORS 430.210, 443.400 - 443.460, 443.991

AMEND: 309-011-0115

REPEAL: Temporary 309-011-0115 from BHS 20-2018

RULE TITLE: Provider Compensation

NOTICE FILED DATE: 12/21/2018

RULE SUMMARY: The Division needs to amend these rules to define the reserved service capacity requirements to assure accurate compensation to providers for individuals temporarily displaced from their housing.

RULE TEXT:

(1) Residential Program providers shall be compensated for services as defined in OAR 410-172-0710 to 410-172-0730.

(2) Individuals absent from a residential program on activities under the supervision of the program staff shall be considered as occupying their designated living space.

(3) The Division may make a Reserved Service Capacity Payment (RSCP) due to:

(a) An individual's admission to an acute care hospital,

(b) An individual's admission to a respite facility to avoid re-hospitalization or revocation of a conditional release order,

(c) An Order of Revocation issued by the Psychiatric Security Review Board (PSRB),

(d) An individual awaiting a court proceeding, a PSRB hearing, or for conditional release.

(e) Facilitating a planned transfer from a hospital, another residential setting, jail; or

(f) Temporary displacement due to unforeseen circumstances.

(5) In order to receive such funding, the provider must:

(a) Notify the Division within 48 hours by submitting an (RSCP) Request form via email to: car.amh@state.or.us. Upon receipt of the form, the Division shall review and respond by email within two business days of receiving the request, or as soon as possible thereafter.

(b) Receive final approval from the Division prior to receiving such payment. RSCP approvals are subject to correction or denial upon secondary review by the Division, if the approval is inconsistent with this rule or Division policy.

(c) For payment request, submit a contract amendment request (CAR) and the approved RSCP request form with the Client Status portion completed at the end of each approval period, as noted on the Division's initial RSCP request response; and

(d) Use policies, procedures, and forms prescribed by the Division for the notification and request for payment.

(6) All Residential Program living spaces funded by the Division shall be available to any consumer approved by the Division without regard to their population designation or County of Responsibility.

STATUTORY/OTHER AUTHORITY: ORS 413.042, 443.450

STATUTES/OTHER IMPLEMENTED: ORS 430.210, 443.400 - 443.460, 443.991