

OFFICE OF THE SECRETARY OF STATE

LAVONNE GRIFFIN-VALADE
SECRETARY OF STATE

CHERYL MYERS
DEPUTY SECRETARY OF STATE
AND TRIBAL LIAISON



ARCHIVES DIVISION

STEPHANIE CLARK
DIRECTOR

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

PERMANENT ADMINISTRATIVE ORDER

FILED
06/27/2024 2:25 PM
ARCHIVES DIVISION
SECRETARY OF STATE
& LEGISLATIVE COUNSEL

BHS 16-2024

CHAPTER 309
OREGON HEALTH AUTHORITY
HEALTH SYSTEMS DIVISION: BEHAVIORAL HEALTH SERVICES

FILING CAPTION: Bring Chapter 309-011 in alignment with ORS 430.073 for Oregon Consumer Advisory Council.

EFFECTIVE DATE: 07/01/2024

AGENCY APPROVED DATE: 06/26/2024

CONTACT: Sharmalee Nadarajah
503-510-3336
Sharmalee.R.Nadarajah@oha.oregon.gov

500 Summer Street, NE
Salem, OR 97301

Filed By:
JUAN RIVERA
Rules Coordinator

RULES:

309-011-0000, 309-011-0010, 309-011-0019, 309-011-0024, 309-011-0026, 309-011-0028, 309-011-0031, 309-011-0032, 309-011-0034, 309-011-0036

REPEAL: 309-011-0000

NOTICE FILED DATE: 04/29/2024

RULE SUMMARY: This rule is being repealed, per DOJ guidance.

CHANGES TO RULE:

~~309-011-0000~~

~~Organizational Description~~

~~(1) Purpose. This rule describes the organization of the Addictions and Mental Health Division (Division). The Addictions and Mental Health Division was previously known as the Mental Health and Developmental Disability Services Division.~~

~~(2) Statutory Authority. This rule is authorized by ORS 413.042 and carries out the provisions of ORS 183.330 & 413.042.~~

~~(3) Goal and Organization:~~

~~(a) The goal of the Division is to promote mental health and to reduce the negative consequences of mental or emotional disturbances and developmental disabilities;~~

~~(b) The Division is under the supervision and control of the Administrator. The Administrator is an Assistant Director of the Oregon Health Authority and is responsible for the state's mental health and developmental disability programs. The Administrator is ultimately responsible for prevention, treatment, and rehabilitation programs supported by public funds;~~

~~(c) The following positions, with the Administrator, comprise the Executive Council of the Division: Deputy Administrator, Assistant Administrator for the Office of Mental Health Services, Assistant Administrator for the Office of Developmental Disability Services, Assistant Administrator for Administrative Services, Superintendent of Dammasch State Hospital, Superintendent of Oregon State Hospital, Superintendent of Fairview Training Center, Superintendent of Eastern Oregon Psychiatric and Training Center, Assistant Administrator of Personnel Services, Communications Manager, and Manager, Office of Client Rights. The Executive Council meets regularly to assist the Administrator in the management of the state's mental health and developmental disability programs. The Administrator has the ultimate responsibility for all decisions;~~

(d) The Deputy Administrator is responsible for assisting the Administrator in directing, managing, coordinating programs for the Division, and supervising the Computer Services Section;¶¶

(e) The Program Offices are responsible for planning, designing, and developing resources for programs throughout the state and ensuring the quality, effectiveness, and efficiency of those programs. Each Program Office is directed by an Assistant Administrator. The Office of Mental Health Services was previously known as the Program Office for Mental or Emotional Disturbances and the Office of Developmental Disability Services was previously known as the Program Office for Mental Retardation and Other Developmental Disabilities;¶¶

(f) The Assistant Administrator for Administrative Services is responsible for the following administrative and support functions: Managing the Division's contractual relationship with providers of local mental health and developmental disability services; legal and financial compliance audits and for managing the budgeting and business operations of the Division to expedite the effective delivery of services. The functions performed by the Office of Administrative Services support all Division programs;¶¶

(g) The Superintendents of the five state institutions are responsible for the operation, control, and management of those institutions;¶¶

(h) The Assistant Administrator of Personnel Services is responsible for directing Division-wide labor relations activities; personnel services; personal services position information control system (PICS); classification and allocation; and affirmative action/equal employment opportunity (EEO) to assure compliance with federal and state laws, merit system principles, and labor union contracts;¶¶

(i) The Communications Manager is responsible for developing and coordinating a statewide communications plan for the Division, producing informational materials; providing communications counseling and assistance to staff. The position serves as spokesperson for the Division and works as a communications liaison to the Oregon Health Authority;¶¶

(j) The Manager, Office of Client Rights is responsible for independent investigations of patient and resident abuse cases, conducting investigations on behalf of the Administrator, and liaison with the various family and consumer advocacy groups representing the Division's clients.

Statutory/Other Authority: ORS 413.042

Statutes/Other Implemented: ORS 183.330

REPEAL: 309-011-0010

NOTICE FILED DATE: 04/29/2024

RULE SUMMARY: This rule is being repealed. This rule is redundant, as this is already outlined in statute.

CHANGES TO RULE:

~~309-011-0010~~

~~Obtaining Information~~

~~(1) Purpose. This rule prescribes the method whereby the public may obtain information or make submissions or requests of the Division.~~

~~(2) Statutory Authority. This rule is authorized by ORS 179.040 and carries out the provisions of ORS 183.330.~~

~~(3) Obtaining Information. The public may obtain information or make submissions or requests of the Division by contacting the Communications Manager, Addictions and Mental Health Division, 500 Summer St. NE, E-86, Salem, OR 97310.~~

~~Statutory/Other Authority: ORS 413.042~~

~~Statutes/Other Implemented: ORS 183.330~~

REPEAL: 309-011-0019

NOTICE FILED DATE: 04/29/2024

RULE SUMMARY: This rule is being repealed, per DOJ guidance.

CHANGES TO RULE:

~~309-011-0019~~

~~Membership on Task Forces, Commissions, Advisory Groups and Committees~~

~~(1) As defined in ORS 174.109, at least 20 percent of the membership of all task forces, commissions, advisory groups and committees established by Division shall be consumers, with representation balanced by age.~~

~~(2) This rule applies only to task forces, commissions, advisory groups and committees that:~~

~~(a) Primarily relate to persons with mental health or addiction issues; and~~

~~(b) Are subject to ORS 192.630.~~

~~(3) Membership is subject to the limitations outlined in ORS 430.073.~~

~~Statutory/Other Authority: ORS 413.042, 430.078~~

~~Statutes/Other Implemented: ORS 430.078~~

AMEND: 309-011-0024

NOTICE FILED DATE: 04/29/2024

RULE SUMMARY: This rule is being amended to change Consumer Advisory Council to Oregon Consumer Advisory Council.

CHANGES TO RULE:

309-011-0024

Purpose and Scope ¶

The purpose of these rules is to implement ORS 430.073, related to the Oregon Health Authority's (~~OHA~~) Oregon Consumer Advisory Council (QCAC). The scope of these rules is limited strictly to the QCAC, and will clarify QCAC's purpose, scope, membership, roles, and responsibilities, and those of the Oregon Health Authority.

Statutory/Other Authority: ORS 413.042, 430.073

Statutes/Other Implemented: ORS 430.073

AMEND: 309-011-0026

NOTICE FILED DATE: 04/29/2024

RULE SUMMARY: This rule is being amended to change Consumer Advisory Council to Oregon Consumer Advisory Council, to add virtual meeting attendance to the description of "present", and to clarify quorum in voting processes.

CHANGES TO RULE:

309-011-0026

Definitions ¶

(1) "Administrative Support" means the tasks provided by the Oregon Health Authority, which are detailed in OAR 309-011-0230(b) below.¶

(2) "Advise" means to recommend, suggest, or inform.¶

(3) "OCAC" means the Consumer Advisory Council authorized by ORS 430.073 and comprised of consumers appointed by the Director.¶

¶

(4) "Consumer" means a person who ~~has received or is currently receiving mental health or addiction services.~~¶

(5) ~~"Director" means the OHA manager assigned as liaison between the CAC is receiving, or has received services for a mental health condition, substance use disorder, or problem gambling disorder; or identifies as having lived experience with a mental health condition, substance use disorder, process addictions or problem gambling disorder; or is currently or formerly the parent or caregiver of a similarly qualifying youth (up to age 25).~~¶

(5) "Director" means the OHA-Director, or his or her designee of the Oregon Health Authority.¶

(6) "Director's Designee" means the Behavioral Health Director of the Office of Health Policy and Analytics OHA staff member with delegated authority from the Director as liaison to the OCAC.¶

(7) "Majority Vote" means a decision agreed upon by the majority of ~~the quorum present~~ appointed council members.¶

(8) "Oregon Health Authority Representative" means the individual(s) identified by Oregon Health Authority to provide administrative support to the OCAC.¶

(9) "Present"; in relation to meetings, means being physically present, or connected to the meeting process via conference call or, tele-conference, audio, or video connection.¶

(10) "Public Meeting" means those meetings open to the public and governed by ORS 192.610 through 192.690.

Statutory/Other Authority: ORS 413.042, 430.073

Statutes/Other Implemented: ORS 430.073

AMEND: 309-011-0028

NOTICE FILED DATE: 04/29/2024

RULE SUMMARY: Section 2 is being repealed. Amending rule to change Consumer Advisory Council to Oregon Consumer Advisory Council. Amending rule to change to language that better reflects functions of OCAC.

CHANGES TO RULE:

309-011-0028

CAC Roles ¶

(1) The role of OCAC is to provide to the Director's Designee advice on the provision of adult and children's behavioral health and addictions services from the Oregon Health Authority.¶

(2) ~~CAC may provide evaluation and feedback on site reviews related to adult and children's bhe Oregon Health Authority feedback and recommendations from the independent, consumer and community voices of People with Lived and Living Experience, through recommendations on the provision of Behavioral hHealth and addictions services provided by~~ services under the scope of the Oregon Health Authority.¶

(32) ~~OCAC shall work in cooperation~~ OCAC shall work in cooperation with the Director's Designee or other designated OHA representatives to promote, support provide feedback and recommunicate OHA's mission, vision and val endations on the provision of Behavioral Health services.¶

(43) OCAC shall adhere to public meeting laws.¶

(54) OCAC may develop a mis vision statement and goals, which shall not contradict the authorizing statutes or these rules in alignment with ORS 430.073.¶

(65) ~~After the first of each calenda~~ Once per year, the OCAC shall, in consultation with the OHA Representative, develop and adopt a work plan for the ensuing twelve months.¶

(76) OCAC may establish committees to investigate and report to CAC regarding areas of interest to CAC specific areas of interest related to Behavioral Health services.¶

(87) OCAC shall not establish OHA policies, rules, internal directives, or procedures.

Statutory/Other Authority: ORS 413.042, 430.073

Statutes/Other Implemented: ORS 430.073

AMEND: 309-011-0031

NOTICE FILED DATE: 04/29/2024

RULE SUMMARY: This rule is being amended to change Consumer Advisory Council to Oregon Consumer Advisory Council. Adopting rules to include orientation and administrative responsibilities for OCAC.

CHANGES TO RULE:

309-011-0031

CAC Responsibilities ¶¶

(1) OCAC shall have a full council meeting at least once every two months.¶¶

(2) A meeting may continue without a quorum participating, but authorities granted to OCAC may not be exercised without a quorum.¶¶

(3) Advice to the Director's Designee Recommendations to Oregon Health Authority shall be provided in writing when OCAC has a recommendation accepted by a majority of the quorum.¶¶

~~(4) Advice to the Director's Designee council.~~¶¶

(4) Recommendations to the Oregon Health Authority shall be signed and dated by the chairs or vice-chairs.¶¶

(5) OCAC in collaboration with the OHA Representative may determine the procedures related to conducting OCAC business.¶¶

(6) OCAC shall provide guidance and mentorship to new members.¶¶

(7) OCAC shall adhere to the Oregon Health Authority's equity statement.¶¶

(8) OCAC shall adhere to the Oregon Health Authority's workplace policies and codes of conduct.

Statutory/Other Authority: ORS 413.042, 430.073

Statutes/Other Implemented: ORS 430.073

AMEND: 309-011-0032

NOTICE FILED DATE: 04/29/2024

RULE SUMMARY: This rule is being amended to change Consumer Advisory Council to Oregon Consumer Advisory Council, and to add in clarification around re-appointment and the role of the Director's Designee in OCAC. Rules 2e, 2g, and 2f are being adopted to increase diversity of council.

CHANGES TO RULE:

309-011-0032

Memberships: Selection and Terms ¶¶

- (1) Members shall be appointed by the ~~OHA Director's~~ Director or their designee, after considering QCAC recommendations, and shall be appointed for a three-year term following a written acceptance of the offer. ¶¶
- (2) QCAC shall consist of between 15 and 25 consumers or People with Lived and Living Experience, and selection shall strive to represent: ¶¶
- (a) ~~A broad~~ Members with Lived range of ages, parents or guardians of children, yd Living experience of representing the family voice. ¶¶
- (b) Youth in transition (ages 16 to 25), and a ¶¶
- (c) ~~Adults ages 55 or~~ and older; ¶¶
- (~~b~~d) A variety of cultures and ethnicities; ¶¶
- (~~e~~e) ~~An approximate division of gender;~~ Diverse gender identity; ¶¶
- (~~f~~f) A balance of geographic areas within the state, and ¶¶
- (~~3~~g) ~~OHA may appointment any member for up to two additional three-year terms~~ Members with lived and living experience of a variety of behavioral health experiences. ¶¶
- (3) Members may be reappointed for one additional three-year term. An OCAC member may submit an application for review, and OHA may appoint. ¶¶
- (4) No person shall be excluded from serving as a member of QCAC due to affiliation with any organization or institution, or based on race, ethnic origin, religious affiliation, gender, age, disability, or sexual orientation. ¶¶
- (5) Only the ~~Director's~~ Director or their designee may remove a person from QCAC. ¶¶
- (6) Members of QCAC are entitled to compensation ~~in an amount determined by the director and to actual and necessary travel expenses incurred by the member in the performance of the member's official duties. Claims for compensation and expenses shall be paid out in funds appropriated to the authority for purposes of the council under ORS 292.495. [2007 c.805 2; 2009 c.595 463]~~ and travel expenses as permitted under ORS 292.495 and 430.073(7).

Statutory/Other Authority: ORS 413.042, 430.073

Statutes/Other Implemented: ORS 430.073

AMEND: 309-011-0034

NOTICE FILED DATE: 04/29/2024

RULE SUMMARY: This rule is being amended to change Consumer Advisory Council to Oregon Consumer Advisory Council, and to reflect the ability to have multiple council Chairs and Co-Chairs. Amending section 2(h) to clarify language used. Repeal section 2b.

CHANGES TO RULE:

309-011-0034

Chair and Vice-Chair: Election and Duties ¶¶

(1) The QCAC shall elect, by a majority of ~~participating~~ votes, one of its members as chair and one as vice-chair, to serve for a two year term each, with the possibility of re-election for one additional consecutive term. The role of chair or vice-chair may be shared by two members, acting as co-chairs or co vice-chairs.¶¶

(2) The chair shall have the powers and duties necessary for the performance of the office. These duties shall include, but not be limited to the following:¶¶

(a) Facilitate ion of QCAC meetings;¶¶

(b) ~~Assign members to panels or committees;~~¶¶

~~(c) Ensure~~Ensuring that the content of QCAC meetings remains within the boundaries of its scope, purpose and authorities;¶¶

~~(d)~~ Identifying meeting agenda items, in collaboration with the OHA representative;¶¶

(e) Calling special meetings¶¶

~~(f)~~ Signing documents from QCAC ~~addresses may be required to~~ by the Director's Designee rules;¶¶

~~(g)~~ Make membership recommendations, in collaboration with ~~the CAC and OHA representative.~~ QCAC, the OHA representative, and a 7 person committee of independent consumers and people with lived and living experience in behavioral health services., as defined in ORS 430.073; and¶¶

~~(h)~~ With approval from the OHA Representative, the Chair may represent QCAC by responding to requests for information or participation pertaining to QCAC.¶¶

(3) The vice-chair or co-vice-chairs shall be responsible for the chair's or co-chair's duties in ~~his or their~~ absence.¶¶

(4) Early termination or resignation of ~~the~~ chair or vice-chair's position shall be filled by a majority vote ~~of those present~~, to serve a two-year term.

Statutory/Other Authority: ORS 413.042, 430.073

Statutes/Other Implemented: ORS 430.073

AMEND: 309-011-0036

NOTICE FILED DATE: 04/29/2024

RULE SUMMARY: This rule is being amended to change Consumer Advisory Council to Oregon Consumer Advisory Council, and to clarify OHA responsibilities and administrative duties. Sections 1a, 1a(B), 1a(C), 1a(H), 1b(A), 1b(B), 1b(C), 1b(D), 1b(E), 1b(F), and 2 of this rule are being repealed.

CHANGES TO RULE:

309-011-0036

OHA Responsibilities ¶¶

(1) OHA shall ~~may~~ provide:¶¶

~~(a) Necessary training and orientation to CAC members in collaboration with CAC members, including but not limited to the following subject area~~ the following to OCAC members:¶¶

~~(A)~~ (A) OHA's mission, vision, goals, roles and scope of business.¶¶

~~(B)~~ CAC's purpose and scope of business;¶¶

~~(C)~~ CAC's internal protocol and practices;¶¶

~~(D)~~ (D) Lobbying restrictions information;¶¶

~~(E)~~ (E) Conflict of interest information;¶¶

~~(F)~~ (F) Public meeting laws information;¶¶

~~(G)~~ (G) These administrative rules; and¶¶

~~(H)~~ (H) Other administrative rules, OHA policies and procedures, internal management directives, and state and federal laws related to topics OCAC is considering as part of a recommendation to the Director's Designee.¶¶

~~(b) Administrative support such as but not limited to:~~¶¶

~~(A)~~ (A) Secure meeting spaces;¶¶

~~(B)~~ (B) Public meeting notices in accordance with public meeting laws;¶¶

~~(C)~~ (C) Take attendance;¶¶

~~(D)~~ (D) Scribe, distribute and maintain records of approved minutes;¶¶

~~(E)~~ (E) Participate in the development of CAC meeting agendas; and¶¶

~~(F)~~ (F) Send and receive communications to and from the Director's Designee.¶¶

~~(2) The Director's Designee shall respond in writing within 60 days following receipt of CAC's recommendations.~~

Statutory/Other Authority: ORS 413.042, 430.073

Statutes/Other Implemented: ORS 430.073