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TEMPORARY ADMINISTRATIVE ORDER
INCLUDING STATEMENT OF NEED & JUSTIFICATION

DTRS 2-2024

CHAPTER 944
OREGON HEALTH AUTHORITY
DRUG TREATMENT AND RECOVERY SERVICES

FILED

05/30/2024 3:44 PM
ARCHIVES DIVISION
SECRETARY OF STATE
& LEGISLATIVE COUNSEL

FILING CAPTION: Process for application, denials, general criteria; requirements for Drug Treatment and Recovery Services Fund grants.

EFFECTIVE DATE: 06/01/2024 THROUGH 11/27/2024

AGENCY APPROVED DATE: 05/02/2024

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Filed By:

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NEED FOR THE RULE(S):

Per HB 2513 OHA is to adopt rules that establish a grant application process, a process to appeal the denial of a grant and general criteria and requirements for the Behavioral Health Resource Networks and the grants and funding required by ORS 430.389, including rules requiring recipients of grants and funding to collect and report information necessary for the Secretary of State to conduct the financial and performance audits required by ORS 430.392.

JUSTIFICATION OF TEMPORARY FILING:

1. RFGA construction, solicitation, and award period timeframes do not allow time to complete the whole permanent rule filing process. Awards should be distributed starting 07.01.25.
2. BHRN partners, regions that need SUD services and supports, Oregonians that need services and supports, potential new partners to support/create BHRN options for regions and Oregonians
3. Current partners receiving funding will experience a delay in continued dollars for BHRN programs and activities. New partnerships will not be established in a timely manner. BHRN regions could experience gaps in vital treatments and wrap around services. Oregonians will not receive treatment and support services.
4. Temporary rules will allow for the RFGA process to be executed in a timely manner. While the implementation processes for the RFGA are running the permanent rule steps can occur concurrently using the temporary rules as framework.

DOCUMENTS RELIED UPON, AND WHERE THEY ARE AVAILABLE:

Chapter 944 current rules - <https://secure.sos.state.or.us/oard/displayChapterRules.action?selectedChapter=319>

RULES:

ADOPT: 944-020-0000

RULE SUMMARY: Grant application processes for Drug Treatment and Recovery Funds applicants.

CHANGES TO RULE:

944-020-0000

Grant Application Process for Drug Treatment and Recovery Services Funds

(1) The Oregon Health Authority (the Authority) must implement a grant application and award for funding entities to provide services described in OAR 944-010-0030 to 944-010-0080 that includes a competitive application process but can also include direct grant awards. ¶

(2) The Authority must announce the availability of funding from the Drug Treatment and Recovery Services Fund (DTRSF) and provide instructions for applying for such funding. The announcement of funding must include at a minimum: ¶

(a) A description of the fund; ¶

(b) Available funding; ¶

(c) Eligible services; ¶

(d) Term of the grant; ¶

(e) Estimated effective date and allowable cost periods; ¶

(f) Template grant agreement; ¶

(g) Template budget; ¶

(h) Template declaration of covenants to secure property, if applicable; ¶

(i) Minimum application criteria; ¶

(j) Rating criteria; and ¶

(k) Application materials consistent with subsections 944-020-0000(3)(a)-(g) of this rule. ¶

(3) An application for DTRSF funding must contain all information required by the Authority, including but not limited to: ¶

(a) A detailed scope of work that provides a description of the services to be offered within the categories listed in ORS 430.389(2)(e). The description must include a plan for how the applicant would use funding to expand applicant's existing service offerings and a detailed staffing plan to provide services, indicating what, if any, services would be subcontracted; ¶

(b) Documentation of the applicant's experience offering the proposed services; ¶

(c) Documentation of the applicant's experience with providing any of the following, as these terms are described in OAR 944, Division 010: ¶

(A) Trauma-informed services; ¶

(B) Culturally and linguistically specific services; ¶

(C) Culturally and linguistically responsive services; ¶

(D) Services to individuals with intellectual and developmental disabilities; ¶

(E) Services to individuals with physical disabilities; ¶

(F) Gender affirming and responsive care; ¶

(G) LGBTQIA2S+ affirming and inclusive services; ¶

(H) Youth friendly and inclusive services; ¶

(I) Services for parents or non-traditional parents with minor children; and ¶

(J) Pregnant persons. ¶

(d) If the applicant is a past recipient of DTRSF funding, a detailed description of the services provided, and the effectiveness of services provided with accompanying documentation; ¶

(e) A detailed operating budget for each proposed service category using the provided template and including a budget narrative; ¶

(f) A detailed budget describing all streams of funding approved to perform current program deliverables; ¶

(g) An operating plan that includes timelines for providing services if funded with DTRSF funds, and the estimated number of individuals to be served over the term of the grant for each service type; ¶

(h) The number of employees and the number of contractors, listed separately currently working for or under contract with the applicant, including but not limited to the qualifications of each employee or contractor involved in providing direct individual services; ¶

(i) Documentation showing if the applicant actively works with other community organizations and if applicable, state, or local government agencies to provide services; ¶

(j) Documentation of the applicant's experience with managing and accounting for grant funds, including but not limited to whether the applicant has an accountant on staff or on contract, and identification of the system used

for tracking the receipt of funds and expenditures;¶

(k) Documentation of the applicant's experience with collecting program and individual data, including but not limited to identification of the system or systems used for collecting program and individual data;¶

(l) Whether the applicant has experience working with Excel;¶

(m) If applicant is a non-profit organization, applicant is required to be registered with the Oregon Department of Justice Charitable Activities Division.¶

(n) Current Secretary of state registration information; ¶

(o) Documentation of current insurance coverage for commercial liability insurance, workers compensation insurance, and professional liability insurance if currently in business, with coverage limits; ¶

(p) Whether the applicant has the ability to bill Medicaid or other health insurers, and if so, a description of how applicant intends to track funding to ensure it does not supplant insurance; and, ¶

(q) Documentation of two years' worth of historical financial information prior to application, in the form of financial statements or tax returns. ¶

(4) Completed applications must be submitted to a Single Point of Contact (SPC) as listed on the Request for Grant Application.¶

(5) Applications must be reviewed by Authority staff to determine if the applicant meets the initial minimum application criteria. An applicant that does not meet the initial minimum application criteria must be notified in writing and can appeal that decision in accordance with OAR 944-020-0030.¶

(6) Applications that meet the minimum application criteria must be evaluated by a review panel established by the Director or their designee. The review panel must include at least three members of the Oversight and Accountability Council. All members of the review panel must be screened for conflicts of interest prior to reviewing and rating applications. The review panel must make recommendations for funding decisions to the Oversight and Accountability Council.¶

(7) Evaluation by the Authority's review panel must be in accordance with OAR 944-020-0010.

Statutory/Other Authority: ORS 430.389(2)(a), 430.390, 413.042

Statutes/Other Implemented: ORS 430.389(2)(a), 430.390

ADOPT: 944-020-0010

RULE SUMMARY: Review criteria for Drug Treatment and Recovery Funds applications.

CHANGES TO RULE:

944-020-0010

Grant Application Review Criteria

(1) The Authority's grant review panel will review and evaluate each grant application based on the following criteria:¶

- (a) If the grantee has previously received DTRSF funding, the effectiveness of services provided.¶
 - (b) The demonstrated commitment of the applicant to providing culturally and linguistically responsive or specific services;¶
 - (c) The demonstrated commitment of the applicant to serve communities most impacted by the war on drugs;¶
 - (d) The demonstrated commitment to work with other funded organizations that comprise the BHRN;¶
 - (e) The demonstrated commitment to financial soundness and administrative capacity to fulfill grant requirements, as demonstrated by providing two-years of financial information. ¶
 - (f) Feasibility and alignment of statement of work with program goals and rules;¶
 - (g) Clarity of proposed project plan, including but not limited to, number of staff, reasonability of staff salaries; ¶
 - (h) Number of proposed individuals to be served is proportionate to the funding request; ¶
 - (i) Clarity/specificity of budget and budget narrative; and¶
 - (j) Whether grantee adhered to all directions in the application, including but not limited to, following word count, submitting all required materials, using all required templates and forms, and meeting all prescribed deadlines. ¶
- (2) Each reviewer must complete an evaluation sheet for each applicant that results in a numeric score. ¶
- (3) A grant application that does not receive a minimum score must not be considered further and the applicant must be notified in writing and can appeal that decision in accordance with OAR 944-020-0030.¶
- (4) Once all the applications have been evaluated and scored the review panel must meet, as many times as is necessary, to provide final funding recommendations to the Oversight and Accountability Council. The review panel must, to the greatest extent practicable, recommend at least one applicant in each service area, in each county.

Statutory/Other Authority: ORS 430.389(2)(a), 430.390, 413.042

Statutes/Other Implemented: ORS 430.389(2)(a), 430.390

ADOPT: 944-020-0020

RULE SUMMARY: Process of approving grants for the Drug Treatment and Recovery Funds funding.

CHANGES TO RULE:

944-020-0020

Grant Approval Process

(1) The Oregon Health Authority will present its funding recommendations to the Oversight and Accountability Council following the process outlines in OAR 944-020-0010. ¶

(2) Any applicants not funded by the Council will be notified in writing by the Authority along with information about how to appeal that decision under OAR 944-020-0030.

Statutory/Other Authority: ORS 430.389(2)(a), 430.390, 413.042

Statutes/Other Implemented: ORS 430.389(2)(a), 430.390

ADOPT: 944-020-0030

RULE SUMMARY: Appeals process for the denied Drug Treatment and Recovery Funds.

CHANGES TO RULE:

944-020-0030

Appeal of Denial of Grant

- (1) An applicant that was notified that they did not meet minimum grant application criteria or did not receive a minimum evaluation score, can submit a written request to the SPC within five (5) business days after receiving the notice described in OAR 944-0000(5) or 944-020-0010(3). A written appeal request must include:¶
(a) The application and all application materials submitted to the Authority; and¶
(b) A concise statement explaining why the applicant believes they meet the minimum application criteria or should have received a higher evaluation score. ¶
(2) The Director or designee must approve or deny the request for an appeal submitted under section (1) of this rule and must notify the applicant in writing of the decision to approve or deny the requested appeal within 10 business days of receipt of the appeal. The decision must be final.¶
(3) An applicant that was notified that they were not funded by the Oversight and Accountability Council can submit a written request to the Council or the Council's designee within five (5) business days after receiving the notice described in OAR 944-020-0020(2).¶
(4) The Council must consider appeals at their next scheduled meeting and must vote to approve or deny the request for an appeal and must notify the applicant in writing of the decision to approve or deny the requested appeal within 10 business days of its decision. The Council can in its discretion delegate decision making authority on an appeal to a subcommittee or to the Authority. The decision by the Council or their designee must be final.¶
(5) An applicant can not submit any additional materials other than those submitted with the application, when appealing a decision, and the Director, their designee, the Council, or their designee, can not consider additional materials when reviewing an appeal. ¶
(6) The decision to grant an appeal in favor of the applicant for one request does not set a precedent that must be followed by the Authority or the Council when evaluating subsequent requests for appeal.

Statutory/Other Authority: ORS 430.389(2)(a), 430.390, 413.042

Statutes/Other Implemented: ORS 430.389(2)(a), 430.390