



December 16, 2022

To Behavior Rehabilitation Service (BRS) providers:

The Oregon Health Authority (OHA) appreciates the important service you provide to Oregon youth experiencing debilitating psychosocial, emotional, and behavioral disorders. You are a valued part of the effort to help these youth.

As you likely are aware, the Behavior Rehabilitation Services (BRS) program is designed to assist individuals who require out-of-home services due to a primary mental, emotional, behavioral disorder or developmental disability that prevents them from functioning at a developmentally appropriate level in their home, school, or community. Oregon Administrative Rule (OAR) [410-170-0040\(3\)](#).

In a recent review of admission data, OHA became concerned that some youths may have been inappropriately excluded from programs based on their intellectual or developmental capacity or other disabilities. It is important that these youth are afforded all the rights and the respect they are due. It is unlawful, under both federal and state law to discriminate against or deny services or programs to people with disabilities. **This notice is to inform providers that, effective immediately, you may not deny admission based on any aspect related to a youth's disability as described in [Oregon Revised Statute ORS 659A.103 to 659A.145](#).** Under state law, as a general matter, an individual is considered to have a disability if they have a physical or mental impairment that substantially limits one or more major life activities.

OHA will work with the Oregon Department of Human Services (ODHS) Child Welfare (CW) providers, Oregon Youth Authority (OYA) providers, and County contractors to ensure compliance with both state and federal laws regarding discrimination or service denial to people with disabilities. Each provider will be contacted by their contract administrator from ODHS-CW, OHA or OYA who will work with you to update any written admission criteria in contracts, policies, or procedures that may be in contradiction with current state and federal laws and regulations. Updated admission criteria will require approval by the agency administering the BRS contract as well as OHA.

Admission decisions must be made based on agency-approved written admission criteria, unless there is a written exception from the state agency contracting for BRS services (OAR [410-170-0050\(3\)](#)). Admission may not be denied to an eligible BRS client if there is

a vacancy at the time of a referral, if they meet admission criteria, and have an authorization from the referring agency. OAR [410-170-0050](#)(4). No written exceptions will be given by a state agency to a BRS provider for denials based on a disability or reasons which conflict with the determination of a Licensed Practitioner of Health Arts (LPHA) that BRS is medically appropriate. There are other prohibited denial criteria described in OAR [410-170-0050](#)(5). If you deny admission to a BRS client, you must provide the referring caseworker with a written explanation. OAR [410-170-0050](#)(6).

A LPHA is required to make the determination that BRS is a medically appropriate setting prior to referral. If you receive a referral for a youth who you think requires a different type of BRS care than you are contracted to provide, OHA has the authority through [410-170-0040](#)(4) to request that the designated LPHA determine the appropriate BRS type of care.

If you have questions about this letter or Medicaid BRS policy, please contact the OHA BRS Policy Analyst at [Medicaid.Programs@odhsoha.oregon.gov](mailto:Medicaid.Programs@odhsoha.oregon.gov).

Additionally, Q&A sessions will be held virtually on December 21<sup>st</sup> at 9:35am and December 22<sup>nd</sup> at 3:05pm. Email invitations will be forthcoming.

If you have questions about your current admission criteria, please contact your agency specific BRS contract administrator.

If you need to request a BRS type of care determination by an LPHA please contact both your contract administrator and OHA BRS Policy Analyst.

Agency Contacts:

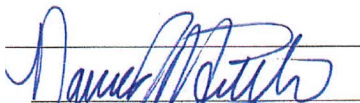
ODHS-CW: [Sara.B.Fox@dhssoha.state.or.us](mailto:Sara.B.Fox@dhssoha.state.or.us)

OHA: [Medicaid.Programs@odhsoha.oregon.gov](mailto:Medicaid.Programs@odhsoha.oregon.gov)

OYA: [Monica.Moran@oya.oregon.gov](mailto:Monica.Moran@oya.oregon.gov)

Again, we want to thank you for your valued services as a BRS provider.

Sincerely,



Dana Hittle  
Interim Medicaid Director  
OREGON HEALTH AUTHORITY  
Health Systems Division

CC: Joe O'Leary, Director, OYA  
Rebecca Jones Gaston, Child Welfare Director, ODHS