

Health Systems Division: Behavioral Health Services - Chapter 309

June 27, 2019

Division 11. CONSUMER ADVISORY COUNCIL; ADDICTIONS AND MENTAL HEALTH PLANNING AND ADVISORY COUNCIL; SELF-DETERMINATION POLICYADMINISTRATIVE PRACTICES

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~~

~~History:~~

~~MHD 4 1990, f. 4 26 90, cert. ef. 4 30 90~~

~~MHD 19 1983, f. & ef. 9 23 83~~

~~MHD 18 1980, f. & ef. 12 2 80~~

~~MHD 19, f. 5 31 74, ef. 6 25 74~~

~~MHD 6, f. 2 18 72, ef. 3 11 72~~

~~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~~

~~History:~~

~~MHD 5-1990, f. 4-26-90, cert. ef. 4-30-90~~

~~MHD 9-1986, f. & ef. 9-26-86~~

~~MHD 20, f. 5-31-74, ef. 6-25-74~~

~~MHD 6, f. 2-18-72, ef. 3-11-72~~

~~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~~

~~History:~~

~~Renumbered from 309-011-0140, MHS 17-2012, f. and cert. ef. 12-28-12~~

~~MHS 10-2010, f. & cert. ef. 7-22-10~~

309-011-0024 [CAC](#): Purpose and Scope

The purpose of these rules [at OAR 309-011-0024 through 309-011-0036](#) is to implement ORS 430.073, related to the Oregon Health Authority's ~~(OHA)~~ Consumer Advisory Council (CAC). The scope of these rules is limited strictly to the CAC, and will clarify CAC's purpose, scope, membership, roles, and responsibilities, and those of Oregon Health Authority .

Statutory/Other Authority: ORS 413.042 & 430.073

Statutes/Other Implemented: ORS 430.073

History:

MHS 25-2016, f. & cert. ef. 12-27-16

MHS 17-2012, f. & cert. ef. 12-28-12

309-011-0026 CAC: Definitions

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

(12) “Advise” means to recommend, suggest or inform.

~~(23) “CAC” means the Consumer Advisory Council authorized by ORS 430.073 and comprised of consumers appointed by the Director.~~

(34) “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 and the OHA Director, or his or her designee.~~

(46) “Director’s Designee” means the Behavioral Health Director of the Office of Health Policy and Analytics.

(57) “Majority Vote” means a decision agreed upon by the majority of those present, as long as a the quorum is present.

~~(68) “Oregon Health Authority Representative” means the individual(s) identified by Oregon Health the Authority to provide CAC with administrative support ~~to CAC, as defined in OAR 309-011-0036(b).~~~~

(79) “Present,” related to meetings, means being physically present, or connected to the meeting process via conference call or tele-conference.

~~(810) “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

History:

MHS 25-2016, f. & cert. ef. 12-27-16

MHS 17-2012, f. & cert. ef. 12-28-12

309-011-0028 CAC: Roles

(1) ~~The CAC's role of CAC~~ is to provide to the Director's Designee advice on the [Authority's](#) 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 [the Authority's](#) adult and children's behavioral health ~~and addictions~~ services ~~provided by the Oregon Health Authority~~.

(3) CAC shall work in cooperation with the Director's Designee or other designated [OHA Authority](#) representatives to promote, support, and communicate [OHA Authority's](#) mission, vision and values.

(4) CAC shall adhere to public meeting laws.

(5) CAC may develop a mission statement and goals, which shall not contradict the authorizing statutes or these rules.

(6) After the first of each calendar year, the CAC shall, in consultation with the [OHA Authority](#) Representative, develop and adopt a work plan for the ensuing twelve months.

(7) CAC may establish committees to investigate and report to CAC regarding areas of interest to CAC.

(8) CAC ~~shall not~~ [lacks the authority to](#) establish [OHA Authority](#) policies, rules, internal directives or procedures.

Statutory/Other Authority: ORS 413.042 & 430.073

Statutes/Other Implemented: ORS 430.073

History:

MHS 25-2016, f. & cert. ef. 12-27-16

MHS 17-2012, f. & cert. ef. 12-28-12

309-011-0031 CAC: Responsibilities

(1) CAC shall meet at least once every two months.

(2) [A quorum constitutes a majority of all active CAC members.](#) A meeting may continue without a quorum participating, but ~~the authorities granted to~~CAC may not ~~be exercised~~ [any formal functions authorized under these rules](#) without a quorum present.

(3) Advice to the Director's Designee shall be provided in writing when CAC has a recommendation accepted by a majority ~~of the quorum~~vote.

(4) Advice to the Director's Designee shall be signed and dated by the chair or vice-chair.

(5) CAC in collaboration with the [OHA Authority](#) Representative may determine the procedures related to conducting CAC business.

Statutory/Other Authority: ORS 413.042 & 430.073

Statutes/Other Implemented: ORS 430.073

History:

MHS 25-2016, f. & cert. ef. 12-27-16

MHS 17-2012, f. & cert. ef. 12-28-12

309-011-0032 CAC: Memberships: Selection and Terms

(1) Members shall be appointed by the Director's Designee, considering CAC recommendations, and shall be appointed for a three-year term following a written acceptance of the offer.

(2) CAC shall consist of between 15 and 25 consumers, and selection shall strive to represent:

(a) A broad range of ages, parents or guardians of children, youth in transition (ages 16 to 25), and adults age 55 or older;

(b) A variety of cultures and ethnicities;

(c) ~~An approximately equal division of~~ gender representation; and

(d) A balance of geographic areas within the state.

(3) ~~OH~~The Authority may appointment any member for up to two additional three-year terms.

(4) No person shall be excluded from serving as a member of CAC 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 Designee may remove a person from CAC.

(6) Members of CAC 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 Aauthority for purposes of the council under ORS 292.495. [2007 c.805 2; 2009 c.595 463]

Statutory/Other Authority: ORS 413.042 & 430.073

Statutes/Other Implemented: ORS 430.073

History:

MHS 25-2016, f. & cert. ef. 12-27-16

MHS 17-2012, f. & cert. ef. 12-28-12

309-011-0034 CAC: Chair and Vice-Chair: Election and Duties

(1) The CAC 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.

(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 CAC meetings;

(b) Assign members to panels or committees;

(c) Ensure the content of CAC meetings remain within the boundaries of its scope, purpose and authorities;

(d) Identify meeting agenda items, in collaboration with the OHA Authority representative;

(e) Call special meetings

(f) Sign documents from CAC addressed to the Director's Designee;

(g) Make membership recommendations, in collaboration with the CAC and OHA Authority representative.

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

(3) The vice-chair shall be responsible for the chair's duties in his or her absence.

(4) Upon ~~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

History:

MHS 25-2016, f. & cert. ef. 12-27-16

MHS 17-2012, f. & cert. ef. 12-28-12

309-011-0036 CAC: OHA-Authority Responsibilities

(1) OHA-The Authority shall provide:

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

(A) OHAAuthority'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) Lobbying restrictions;

(E) Conflict of interest;

(F) Public meeting laws;

(G) These administrative rules; and

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

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

(A) Providing sSecure meeting spaces;

(B) Ensuring pPublic meeting notices in accordance with public meeting laws;

(C) Taking attendance;

(D) Scribing, distributing and maintaining records of approved minutes;

(E) Participating in the development of CAC meeting agendas; and

(F) Sending and receiving 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

History:

MHS 25-2016, f. & cert. ef. 12-27-16

MHS 17-2012, f. & cert. ef. 12-28-12

309-011-0040 [AMHPAC: Purpose and Statutory Authority Scope](#)

(1) Purpose. These rules [at OAR 309-011-0040 through 309-011-0055](#) describe the organization and responsibilities of the [Addictions and Mental Health Planning and Advisory Council \(AMHPAC\), formerly called the](#) Mental Health Advisory Board.

(2) Statutory Authority. These rules are authorized by ORS 413.042 and carry out the provisions of ORS 430.050.

Statutory/Other Authority: ORS 413.042

Statutes/Other Implemented: ORS 430.050

History:

MHD 3-1990, f. 4-26-90, cert. ef. 4-30-90

MHD 6-1982, f. & ef. 3-23-82

309-011-0045 AMHPAC: Definitions

As used in these rules:

(1) “Addictions and Mental Health Planning and Advisory Council (AMHPAC)” means a board appointed by the Administrator and approved by the Governor to study the problems of persons with mental illness or developmental disabilities, assist in planning, and make recommendations to the Administrator for the development of policies and procedures with respect to the state mental health services and developmental disabilities services programs.

(2) “Administrator” means an individual designated by the Assistant Director of the Addictions and Mental Health Division, Oregon Health the Authority.

(3) “Consumer” means a person receiving or eligible to receive behavioral health or developmental disability services that are governed by the under-Division’s rules-of-the-Division.

(3) “Division” means the Addictions and Mental Health Division of the Oregon Health Authority.

(4) “Mental Health Advisory Board” means a board appointed by the Administrator and approved by the Governor to study the problems of persons with mental illness or developmental disabilities, assist in planning, and make recommendations to the Administrator for the development of policies and procedures with respect to the state mental health services, and developmental disabilities services programs.

(4) “Disabled Person” means any person who:

- (a) Has a physical or mental impairment which substantially limits one or more major life activities;
- (b) Has a record of such an impairment; or
- (c) Is regarded as having such an impairment.

Statutory/Other Authority: ORS 413.042 & 430.050

Statutes/Other Implemented: 430.050

History:

MHD 4-1995, f. 5-31-95, cert. ef. 6-1-95

MHD 3-1990, f. 4-26-90, cert. ef. 4-30-90

MHD 6-1982, f. & ef. 3-23-82

309-011-0050 AMHPAC: Member Selection and TermsOrganization

- (1) AMHPAC ~~The Mental Health Advisory Board~~ shall be composed of at least 15 but not more than 20 lay and professionally trained individuals.
- (2) The Administrator, with the approval of the Governor, shall appoint AMHPAC ~~the board~~ members.
- (3) AMHPAC ~~Board~~ members shall provide a balanced representation of program areas and populations served, and shall reflect the diverse ethnic, age, and disability characteristics of consumers ~~of services provided in Division programs~~.
- (4) At least two AMHPAC members ~~of the Board~~ shall be disabled persons, one of whom is a consumer of mental health services and one of whom is a consumer of developmental disability services. Two additional members ~~of the Board~~ shall be consumers or family members of consumers.
- (5) Members ~~of the board~~ shall serve for terms of four years, expiring on the last day of odd numbered years.
- (6) Members are entitled to compensation and expenses as provided in ORS 292.495.
- (7) The Administrator may remove any AMHPAC member ~~of the board~~ for misconduct, incapacity, or neglect of duty. Any member who is absent from three consecutive AMHPAC meetings ~~of the Board~~ may be removed, at the Administrator's discretion.
- (8) The Administrator may make provision for technical and clerical assistance to AMHPAC ~~the Mental Health Advisory Board~~ and for the expense of such assistance.
- (9) AMHPAC ~~The board~~ shall meet at least twice each year.

Statutory/Other Authority: ORS 413.042 & 430.050

Statutes/Other Implemented: 430.050

History:

MHD 4-1995, f. 5-31-95, cert. ef. 6-1-95

MHD 3-1990, f. 4-26-90, cert. ef. 4-30-90

MHD 6-1982, f. & ef. 3-23-82

309-011-0055 AMHPAC: Responsibilities

(1) AMHPAC ~~The board~~ shall assist the Division in planning and preparation of administrative rules for the assumption of responsibility for psychiatric care in state and community hospitals by community mental health programs, in accordance with ORS 430.630.

(2) AMHPAC ~~The board~~ shall study the problems of mental health services, and developmental disabilities services, and shall make recommendations for the development of policies and procedures with respect to these programs.

(3) AMHPAC ~~The board~~ shall review and make recommendations as to state laws and legislative concepts relative to state mental health services and developmental disabilities services programs.

(4) AMHPAC ~~The board~~ shall review, ~~and~~ consider the funding of, and make recommendations as to state mental health services, and developmental disabilities services programs ~~and make recommendations.~~

(5) AMHPAC ~~The board~~ shall advise the Administrator on the relationship of mental health and developmental disability programs to other state, local, and private services, and shall make recommendations for collaborative or joint program developments.

(6) AMHPAC ~~The board~~ shall serve as a consulting body to the Administrator.

(7) AMHPAC ~~The board~~ shall encourage public understanding and acceptance of state mental health services, and developmental disabilities services programs.

Statutory/Other Authority: ORS 413.042 & 430.050

Statutes/Other Implemented: 430.050 & 430.630

History:

MHD 3-1990, f. 4-26-90, cert. ef. 4-30-90

MHD 6-1982, f. & ef. 3-23-82

~~309-011-0105 Purpose~~

~~(1) The purpose of OAR 309-011-0105 to 309-011-0115 is to establish the standards by which the Health Systems Division approves 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~~

~~History:~~

~~BHS 3-2019, minor correction filed 03/06/2019, effective 03/06/2019~~

~~BHS 2-2019, amend filed 02/08/2019, effective 02/08/2019~~

~~BHS 20-2018, temporary amend filed 08/13/2018, effective 08/13/2018 through 02/08/2019~~

~~MHS 9-2010, f. 6-30-10, cert. ef. 7-1-10~~

~~309-011-0110 Definitions~~

~~(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~~

~~History:~~

~~BHS 4-2019, minor correction filed 03/06/2019, effective 03/06/2019~~

~~BHS 2-2019, amend filed 02/08/2019, effective 02/08/2019~~

~~BHS 20-2018, temporary amend filed 08/13/2018, effective 08/13/2018 through 02/08/2019~~

~~MHS 9-2010, f. 6-30-10, cert. ef. 7-1-10~~

~~309-011-0115 Provider Compensation~~

~~(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.~~

~~(4) 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.~~

~~(5) 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

History:

BHS 5-2019, minor correction filed 03/07/2019, effective 03/07/2019

BHS 2-2019, amend filed 02/08/2019, effective 02/08/2019

~~BHS 20-2018, temporary amend filed 08/13/2018, effective 08/13/2018 through 02/08/2019~~
~~MHS 9-2010, f. 6-30-10, cert. ef. 7-1-10~~

~~309-011-0120 Purpose~~

~~These rules prescribe standards to be implemented by the Addictions and Mental Health (AMH) Division in order to establish the Self-Determination Policy as used in ORS 430.071.~~

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

~~Statutes/Other Implemented: ORS 430.078~~

~~History:~~

~~MHS 17-2012, f. & cert. ef. 12-28-12~~

~~MHS 10-2010, f. & cert. ef. 7-22-10~~

309-011-0125 Definitions

As used in these rules:

(1) "Director" means the Director of the Addictions and Mental Health (AMH) Division of the Oregon Health Authority (Authority), or his or her designee.

(2) "Consumer" means a person who has received or is receiving mental health or addiction services.

(3) "Consumer Advisory Council" means the council appointed by the Assistant Director to advise the Division on the provision of mental health services.

(4) "Division" means the Addictions and Mental Health (AMH) Division of the Oregon Health Authority.

(5) "Olmstead v. L.C." means the 1999 Supreme Court decision under which states are required to place persons with disabilities in community settings rather than in institutions when the State's treatment professionals have determined that community placement is appropriate, the transfer from institutional care to a less restrictive setting is not opposed by the affected individual and the placement can be reasonably accommodated, taking into account the resources of the State and needs of others with disabilities.

(6) As used in ORS 430.075, these terms have the following meanings:

(a) "Task force" means a group or committee, usually composed of experts or specialists, formed for analyzing, investigating, or solving a specific problem or objective;

(b) "Commission" means a group of individuals that meet on a regular basis, and that are officially authorized to perform certain duties or functions;

(c) "Advisory group" means a collection of individuals who bring unique knowledge and skills, and who are appointed to support a particular service or function, or to investigate, report on, or act upon a particular matter; and

(d) "Committee" means a body of persons that are officially delegated or assigned to consider, investigate, act on, or report on a particular service or function.

Statutory/Other Authority: ORS 413.042 & 430.078

Statutes/Other Implemented: ORS 430.078

History:

MHS 17-2012, f. & cert. ef. 12-28-12

MHS 10-2010, f. & cert. ef. 7-22-10

309-011-0130 Self-Determination Policy

The ~~Addictions and Mental Health (AMH)~~ Division shall adopt a policy that supports and promotes self-determination for persons receiving mental health services, in accordance with ORS 430.071. ~~The policy shall be designed to remove barriers that:~~

~~(1) Segregate persons with disabilities from full participation in the community in the most integrated setting in accordance with the United States Supreme Court decision in Olmstead v. L.C., 527 U.S. 581 (1999); and~~

~~(2) Prevent persons with disabilities from enjoying a meaningful life, the benefits of community involvement and citizen rights guaranteed by law.~~

Statutory/Other Authority: ORS 413.042 & 430.078

Statutes/Other Implemented: ORS 430.078

History:

MHS 17-2012, f. & cert. ef. 12-28-12

MHS 10-2010, f. & cert. ef. 7-22-10