

Health Systems Division: Behavioral Health Services - Chapter 309

August 15, 2019

Round 2 Redline

Division 22. CHILDREN & ADOLESCENTS: INTENSIVE TREATMENT SERVICES FOR CHILDREN AND ADOLESCENTS AND; INTEGRATED LICENSES; CHILDREN'S EMERGENCY SAFETY INTERVENTION SPECIALISTS

309-022-0100 Purpose and Scope

~~(1) OAR 309-022-0100 through OAR 309-022-0192 prescribe minimum standards for services and supports provided by addictions and mental health providers approved by the Health Systems Division (Division) of the Oregon Health Authority (Authority) to operate under:~~

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This OAR chapter 309, division 022, defines the minimum standards for three types of providers who offer behavioral health services to children and adolescents:

~~(a) An (1) Intensive Treatment Services (ITS) certificate; or, and providers that operate pursuant to an ITS certificate, must satisfy the requirements of OAR 309-022-0100 through OAR 309-022-0192, in addition to any applicable requirements in OAR 410-120-0000 through 410-120-1980.~~

~~(b) A Child and Adolescent (2) A provider operating pursuant to a child and adolescent Integrated Psychiatric Residential Treatment Facility and Residential Substance Use Disorders Treatment Program license (also called an "Integrated license" or "IPSR" program or license)- must satisfy the requirements of OAR 309-022-0195.~~

~~(2) OAR 309-022-0100 through OAR 309-022-0105 and OAR 309-022-0195 through OAR 309-0122-0230 prescribe minimum standards for services and supports provided by addictions and mental health providers approved by the Division to serve as a (3) A Children's Emergency Safety Intervention Specialist (CESIS) must comply with OAR 309-022-0100, 309-022-0105, and 309-022-0195 through 309-0122-0230.~~

~~(3) In addition to applicable requirements in OAR 410-120-0000 through 410-120-1980 and OAR 943-120-0000 through 943-120-1550, these rules specify standards for services and supports provided in Intensive Treatment Services (ITS) for children and adolescents:~~

~~(4) Entities providing or seeking to operate a child and adolescent Integrated Psychiatric Residential Treatment Facility and Residential Substance Use Disorders Treatment Program (IPSR) shall:~~

~~(a) Meet all the requirements for ITS providers;~~

~~(b) Meet all the requirements for residential substance use disorder treatment programs in OAR 309-018-0100 through 309-018-0215, except as described in subsection (d) below;~~

~~(c) Not be required to obtain a separate license under OAR 309-018-0100 through 309-018-0215 as long as the entities have a valid IPSR license under OAR chapter 309, division 022;~~

~~(d) Meet the requirements for individual rights set forth in OAR 309-018-0115, except that seclusion and restraint may be administered as set forth in OAR 309-022-0175;~~

~~(e) Comply with the requirements of OAR 309-022-0175 and OAR chapter 309, division 022 to the extent that seclusion and restraint is administered; and~~

~~(f) Be subject to the rules in OAR chapter 415, division 012 with respect to the IPSR/Integrated license or application for a license.~~

Statutory/Other Authority: ORS 161.390, 413.042, 430.256, 426.490 - 426.500, 428.205 - 428.270, 430.640 & 443.450

Statutes/Other Implemented: ORS 109.675, 161.390 - 161.400, 179.505, 413.520 - 413.522, 426.380 - 426.395, 426.490 - 426.500, 430.010, 430.205 - 430.210, 430.240 - 430.640, 430.850 - 430.955, 443.400 - 443.460, 443.991 & 743A.168

History:

BHS 24-2018, amend filed 12/27/2018, effective 01/25/2019

BHS 16-2018, temporary amend filed 07/17/2018, effective 08/01/2018 through 01/27/2019

MHS 21-2016, f. & cert. ef. 12-1-16

MHS 9-2016(Temp), f. 6-28-16, cert. ef. 7-1-16 thru 12-27-16

MHS 5-2014, f. & cert. ef. 2-3-14

MHS 8-2013(Temp), f. 8-8-13, cert. ef. 8-9-13 thru 2-5-14

309-022-0105 Definitions

[In addition to the definitions listed in OAR 309-001-0100, the following definitions apply with respect to this OAR chapter 309, division 022.](#)

(1) "Abuse of a Child" means the circumstances defined in ORS 419B.005.

(2) "Adolescent" means an individual from 12 through 17 years of age, or individuals determined to be developmentally appropriate for youth services.

(3) "ASAM Criteria" means the most current edition of the American Society of Addiction Medicine (ASAM) for the treatment of addictive, substance-related, and co-occurring conditions, which is a clinical guide to develop patient-centered service plans and make objective decisions about admission, continuing care, and transfer or discharge for individual.

~~(34)~~ "Assessment" means the process of obtaining sufficient information through a face-to-face interview to determine a diagnosis and to plan individualized services and supports.

~~(5) "Authority" means the Oregon Health Authority.~~

~~(6) "Behavioral Health" means mental health, mental illness, addictive health, and addiction disorders.~~

~~(47)~~ "Behavior Support Plan" means the individualized proactive support strategies that are used to support positive behavior.

~~(58)~~ "Behavior Support Strategies" mean proactive supports designed to replace challenging behavior with functional, positive behavior. The strategies address environmental, social, neuro-developmental, and physical factors that affect behavior.

~~(9) "Care Coordination" means a process-oriented activity to facilitate ongoing communication and collaboration to meet multiple needs. Care coordination includes facilitating communication between the family, natural supports, community resources, and involved providers and agencies; organizing, facilitating, and participating in team meetings; and providing for continuity of care by creating linkages to and managing transitions between levels of care and transitions for young adults in transition to adult services.~~

~~(10) "Certificate" means the document issued by the Division that identify and declare certification of a provider pursuant to OAR 309-008-0100 to 309-008-1600. A letter accompanying issuance of the certificate details the scope and approved service delivery locations of the certificate.~~

~~(11) "Chemical Restraint" means the administration of medication for the acute management of potentially harmful behavior.~~

~~(12) "Chief Officer or Director" means the Chief Health Systems Officer of the Authority or designee.~~

~~(69)~~ "Care Coordination" means a series of actions contributing to a patient-centered, high-value, high-quality care system. It is defined as the organized coordination of an individual's health care services and support activities between two or more participants deemed responsible for the individual's health outcomes and minimally includes the individual (and their family, guardian, or caregiver, as appropriate) and a single consistent individual in the role of care coordinator. Care coordination is characterized by the creation of a team and team meetings, and facilitation of transitions between levels of care.

~~(713)~~ “Child” means an individual under the age of 18. An individual with Medicaid eligibility in need of services specific to children, adolescents, or young adults in transition shall be considered a child until age 21.

~~(814)~~ “Children’s Emergency Safety Intervention Specialist (CESIS)” means a Qualified Mental Health Professional (QMHP) licensed to order, monitor, and evaluate the use of seclusion and restraint in accredited and certified facilities providing intensive mental health treatment services to individuals less than 21 years of age.

~~(159)~~ “Clinical Supervision” means oversight by a qualified clinical supervisor of addictions and mental health services and supports, including ongoing evaluation and improvement of the effectiveness of those services and supports.

~~(1610)~~ “Clinical Supervisor” means an individual qualified to oversee and evaluate addictions or mental health services and supports.

~~(17)~~ “Community Mental Health Program (CMHP)” means the organization of various services for individuals with a mental health diagnosis or addictive disorders, operated by or contractually affiliated with a local mental health authority and operated in a specific geographic area of the state under an agreement with the Division pursuant to OAR 309-014-0000.

~~(1811)~~ “Co-occurring Substance Use and Mental Health Disorders-” (COD)” means the existence of both a substance use disorder and a mental health disorder.

~~(19)~~ “Coordinated Care Organization (CCO)” means a corporation, governmental agency, public corporation, or other legal entity that is certified as meeting the criteria adopted by the Authority under ORS 414.625 to be accountable for care management and to provide integrated and coordinated health care for each of the CCO’s members.

~~(20)~~ “Criminal Records Check” means the Oregon Criminal Records Check and the processes and procedures required by OAR 943-007-0001 through 943-007-0501.

~~(2112)~~ “Crisis” means an actual or perceived urgent or emergent situation that occurs when an individual’s stability or functioning is disrupted and there is an immediate need to resolve the situation to prevent a serious deterioration in the individual’s mental or physical health or to prevent referral to a significantly higher level of care.

~~(22)~~ “Cultural Competence” means the process by which people and systems respond respectfully and effectively to individuals of all cultures, languages, classes, races, ethnic backgrounds, disabilities, religions, genders, sexual orientations, and other diversity factors in a manner that recognizes, affirms, and values the worth of individuals, families, and communities and protects and preserves the dignity of each.

~~(23)~~ “Declaration for Mental Health Treatment” means a written statement of an individual’s preferences concerning their mental health treatment. The declaration is made when the individual can understand and legally make decisions related to the treatment. It is honored, as clinically appropriate, in the event the individual becomes unable to make treatment decisions.

~~(24) “Diagnosis” means the principal mental health, substance use, or problem gambling diagnosis listed in the Diagnostic and Statistical Manual of Mental Disorders (DSM). The diagnosis is determined through the assessment and any examinations, tests, or consultations suggested by the assessment and is the medically appropriate reason for services.~~

~~(25) “Division” means the Health Systems Division.~~

~~(26) “DSM” means the most recent version of the Diagnostic and Statistical Manual of Mental Disorders published by the American Psychiatric Association.~~

~~(2713) “Emergency Safety Intervention” means the use of seclusion or personal restraint as an immediate response to an unanticipated threat of violence or injury to an individual or others.~~

~~(2814) “Emergency Safety Intervention Training” means a Division-approved course that includes an identified instructor, a specific number of face-to-face instruction hours, a component to assess competency of the course materials, and an established curriculum including the following:~~

- ~~(a) Prevention of emergency safety situations using positive behavior support strategies identified in the individual’s behavior support plan;~~
- ~~(b) Strategies to safely manage emergency safety situations; and~~
- ~~(c) De-escalation and debriefing.~~

~~(2915) “Emergency Safety Situation” means an unanticipated behavior that places the individual or others at serious threat of violence or injury if no intervention occurs and that calls for an emergency safety intervention.~~

~~(3016) “Emergent” means the onset of symptoms requiring attention within 24 hours to prevent serious deterioration in mental or physical health or threat to safety.~~

~~(3117) “Entry” means the act or process of acceptance and enrollment into services regulated by this these rules.~~

~~(3218) “Face to Face” means a personal interaction where all participants can see, hear, or otherwise perceive accordingly to their ability, the words and facial expressions of each other in person or through telehealth services where there is a live streaming audio and video, if clinically appropriate.~~

~~(3319) “Family” means the biological or legal parents, siblings, other relatives, foster parents, legal guardians, spouse, domestic partner, caregivers, and other primary relations to the individual whether by blood, adoption, or legal or social relationships. Family also means any natural, formal, or informal support persons identified as important by the individual.~~

~~(3420) “Family Support” means the provision of peer delivered services to individuals defined as family to the individual. It includes support to caregivers at community meetings, assistance to families in system navigation and managing multiple appointments, supportive home visits, peer support, parent mentoring and coaching, advocacy, and furthering efforts to develop natural and informal community supports.~~

~~(35) “Family Support Specialist” means an individual who meets qualification criteria under OAR chapter 410 division 180 and provides peer-delivered services to a family member who has experience parenting a child who is a current or former consumer of mental health or addiction treatment or is facing or has faced difficulties in accessing education, health, and wellness services due to a mental health or behavioral health barrier.~~

(3621) “Gender Identity” means an individual’s self-identification of gender without regard to legal or biological identification, including but not limited to individuals identifying themselves as male, female, transgender, and transsexual.

(3722) “Gender Presentation” means the external characteristics and behaviors that are socially defined as either masculine or feminine, such as dress, mannerisms, speech patterns, and social interactions.

~~(38) “Grievance” means a formal complaint submitted to a provider verbally or in writing by an individual or the individual’s chosen representative pertaining to the denial or delivery of services and supports.~~

~~(39) “Guardian” means an individual appointed by a court of law to act as guardian of a minor or a legally incapacitated individual.~~

(4023) “Health Systems Services and Supports” means all services and supports including but not limited to Outpatient Community Mental Health Services and Supports for Children and Adults, Intensive Treatment Services for Children, Outpatient and Residential Substance Use Disorders Treatment Services, and Outpatient and Residential ~~Problem~~-Gambling Disorder Treatment Services.

(4124) “HIPAA” means the federal Health Insurance Portability and Accountability Act of 1996 and the regulations published in Title 45, parts 160 and 164, of the Code of Federal Regulations (CFR).

(4225) “Individual” means any person being considered for or receiving services and supports regulated by these rules.

(4326) “Informed Consent for Services” means that the service options, risks, and benefits have been explained to the individual and guardian, if applicable, in a manner that they comprehend, and the individual ~~and or~~ guardian ~~have has~~ consented to the services on-z or prior to-z the first date of service.

(4427) “Integrated Psychiatric Residential Treatment Facility and Residential Substance Use Disorders Treatment Program” ~~or “IPSR” or “Integrated Program”~~ means a residential program that is licensed to provide both residential substance use disorders treatment and psychiatric residential treatment services in the same facility to children and adolescents ~~in the same facility~~.

~~(45) “Intensive Outpatient Services and Supports (IOSS)” means a specialized set of comprehensive in-home and community-based supports and mental health treatment services for children that are developed by the child and family team and delivered in the most integrated setting in the community.~~

(4628) “Intensive Treatment Services (ITS)” means the range of services in the system of care comprised of Psychiatric Residential Treatment Facilities (PRTF) and Psychiatric Day Treatment Services (PDTS), or other services as determined by the Division that provide active psychiatric treatment for children with severe emotional disorders and their families.

(4729) “Interdisciplinary Team” means the group of people designated to advise in the planning and provision of services and supports to individuals receiving ITS services and may include multiple

disciplines or agencies. For Psychiatric Residential Treatment Facilities (PRTF), the composition of the interdisciplinary team shall be consistent with the requirements of 42 CFR ~~Part~~ 441.156.

~~(48) “Interim Referral and Information Services” means services provided by a substance use disorders treatment provider to individuals on a waiting list and whose services are funded by the Substance Abuse Prevention and Treatment (SAPT) Block Grant to reduce the adverse health effects of substance use, promote the health of the individual, and reduce the risk of disease transmission.~~

~~(4930) “Intern” or “Student” means an individual who provides a paid or unpaid program service to complete a credentialed or accredited educational program recognized by the State of Oregon.~~

~~(5031) “Juvenile Psychiatric Security Review Board (JPSRB)” means the entity described in ORS 161.385.~~

~~(5132) “~~Level~~ Levels of Care” means the range of available services provided from the most integrated setting to the most restrictive and most intensive in an inpatient setting.~~

~~(5233) “License” means a document or documents issued by the Division that identify and declare the provider to be licensed pursuant to OAR chapter 415 division 012 and applicable provider rules.~~

~~(53) “Licensed Health Care Professional” means a practitioner of the healing arts acting within the scope of their practice under state law who is licensed by a recognized governing board in Oregon.~~

~~(5434) “Licensed Medical Practitioner (LMP)” has the meaning defined in OAR 309-001-0100, except that means an individual who meets the following minimum qualifications as documented by the Local Mental Health Authority (LMHA) or designee:~~

~~(a) Physician licensed to practice in the State of Oregon; or~~

~~(b) Nurse practitioner licensed to practice in the State of Oregon; or~~

~~(c) Physician’s assistant licensed to practice in the State of Oregon; and~~

~~(d) Whose training, experience, and competence demonstrate the ability to conduct a mental health assessment and provide medication management.~~

~~(e) For IOSS and for ITS providers, LMP means a board-certified or board-eligible child and adolescent psychiatrist licensed to practice in the State of Oregon.~~

~~(55) “Local Mental Health Authority (LMHA)” means one of the following entities:~~

~~(a) The board of county commissioners of one or more counties that establishes or operates a CMHP;~~

~~(b) The tribal council in the case of a federally recognized tribe of Native Americans that elects to enter into an agreement to provide mental health services; or~~

~~(c) A regional local mental health authority comprised of two or more boards of county commissioners.~~

~~(56) “Mandatory Reporter” means any public or private official, as defined in ORS 419B.005(3), who comes in contact with or has reasonable cause to believe that an individual has suffered abuse or that any individual with whom the official comes in contact with has abused the individual. Pursuant to ORS 430.765(2), psychiatrists, psychologists, clergy, and attorneys are not mandatory reporters for information received through communications that are privileged under ORS 40.225 to 40.295.~~

~~(57) “Mechanical Restraint” means any device attached or adjacent to the resident’s body he or she cannot easily remove and that restricts freedom of movement or normal access to their body. Mechanical restraint is prohibited in the services regulated by these rules.~~

~~(58) “Medicaid” means the federal grant-in-aid program to state governments to provide medical assistance to eligible persons under Title XIX of the Social Security Act.~~

~~(X35) “Linkage Agreement” means a written agreement between the program and other entities involved in supporting the individual’s welfare and recovery. The agreement describes the roles and responsibilities each entity assumes in order to assure that the program’s goals are achieved.~~

~~(5936) “Medical Director” means a physician licensed to practice medicine in the State of Oregon and who is designated by a substance use disorders treatment program to be responsible for the program’s medical services, either as an employee or through a contract.~~

~~(60) “Medical Supervision” means an LMP’s review and approval, at least annually, of the medical appropriateness of services and supports identified in the service plan for each individual receiving mental health services for one or more continuous years.~~

~~(6137) “Medically Appropriate” means services and medical supplies required for prevention, diagnosis, or treatment of a physical or behavioral health condition or injuries and that are:~~

- ~~(a) Consistent with the symptoms of a health condition or treatment of a health condition;~~
- ~~(b) Appropriate regarding standards of good health practice and generally recognized by the relevant scientific community and professional standards of care as effective;~~
- ~~(c) Not solely for the convenience of an individual or a provider of the service or medical supplies; and~~
- ~~(d) The most cost effective of the alternative levels of medical services or medical supplies that can be safely provided to an individual.~~

~~(62) “Mental Health Intern” means an individual who meets qualifications for QMHA but does not have the necessary graduate degree in psychology, social work, or a behavioral science field to meet the educational requirement of QMHP. The individual shall:~~

~~(a) Be currently enrolled in a graduate program for a master’s degree in psychology, social work, or in a behavioral science field;~~

~~(b) Have a collaborative educational agreement with the CMHP or other provider and the graduate program;~~

~~(c) Work within the scope of their practice and competencies identified by the policies and procedures for credentialing of clinical staff as established by the provider; and~~

~~(d) Receive, at minimum, weekly supervision by a qualified clinical supervisor employed by the provider of services.~~

~~(6338) “Outreach” means the delivery of behavioral health services, referral services, and case management services in non-traditional settings including but not limited to the individual’s residence, shelters, streets, jails, transitional housing sites, drop-in centers, single-room occupancy hotels, child~~

welfare settings, educational settings, or medical settings. It also refers to attempts made to engage or re-engage an individual in services by means such as letters or telephone calls.

~~(64) "Peer" means any individual supporting an individual or a family member who has similar life experience, either as a current or former recipient of substance use or mental health services, or as a family member of an individual who is a current or former recipient of substance use or mental health services.~~

~~(65) "Peer Delivered Services" means community-based services and supports provided by peers and peer support specialists to individuals or family members with similar lived experience. These services are designed to support individuals and families and to engage individuals in ongoing treatment to live successfully in the community.~~

~~(66) "Peer Support Specialist" means a qualified individual providing peer-delivered services to an individual or family member with similar life experience under the supervision of a qualified clinical supervisor and a qualified peer-delivered services supervisor. A peer support specialist shall be certified by the Authority's Office of Equity and Inclusion as required by OAR 410-180-0300 to 0380 and be:~~

~~(a) A self-identified individual currently or formerly receiving substance use or mental health services;~~

~~(b) A self-identified individual in recovery from a substance use disorder who meets the abstinence requirements for recovering staff in substance use disorders treatment and recovery programs;~~

~~(c) A self-identified individual in recovery from problem gambling; or~~

~~(d) An individual with experience parenting a child who:~~

~~(A) Is a current or former consumer of mental health or substance use treatment; or~~

~~(B) Is facing or has faced difficulties in accessing education and health and wellness services due to a mental health or behavioral health barrier.~~

~~(6739) "Personal Restraint" means the application of physical force, without the use of any device, for the purpose of restraining the free movement of an individual's body to protect the individual or others from immediate harm. Personal restraint may be used only in approved ITS or Integrated/IPSR programs as an emergency safety intervention under OAR 309-022-0175. Personal restraint does not include briefly:~~

~~(a) Briefly holding without undue force an individual to calm or comfort him or her or holding an individual's hand to safely escort him or her from one area to another. Personal restraint;~~

~~(b) Mechanical restraints, meaning may be used only in approved ITS or Integrated/IPSR programs as an emergency safety intervention under OAR 309-022-0175. any device attached or adjacent to the resident's body he or she cannot easily remove and that restricts freedom of movement or normal access to their body; or~~

~~(c) Chemical restraint, meaning the administration of medication for the acute management of potentially harmful behavior.~~

~~(6840)~~ “Problem Gambling Treatment Staff” means an individual certified or licensed by a health or allied provider agency to provide problem gambling treatment services that include assessment, development of a service plan, and group and family counseling.

~~(6941)~~ “Program” means a particular type or level of service that is organizationally distinct.

~~(7042)~~ “Program Administrator” or “Program Director” means an individual with appropriate professional qualifications and experience who is designated to manage the operation of a program.

~~(7143)~~ “Program Staff” means an employee or individual who by contract with the program provides a service and has the applicable competencies, qualifications, or certification required in these rules to provide the service.

~~(7244)~~ “Provider” means an individual or organizational provider as defined in ORS 430.637(1)(b), tribal organization, or CMHP that holds a current certificate listed in OAR 309-008-0100(2) or license under OAR 415-012-0000(1) to provide behavioral health treatment services pursuant to these and applicable service delivery rules.

~~(7345)~~ “Psychiatric Day Treatment Services (PDTs)” means the comprehensive, interdisciplinary, non-residential, community-based program certified under these rules consisting of psychiatric treatment, family treatment, and therapeutic activities integrated with an accredited education program.

~~(7446)~~ “Psychiatric Residential Treatment Facility (PRTF)” means facilities that are structured residential treatment environments with daily 24-hour supervision and active psychiatric treatment including Psychiatric Residential Treatment Services (PRTS), Secure Children’s Inpatient Treatment Programs (SCIP), Secure Adolescent Inpatient Treatment Programs (SAIP), and Sub-acute Psychiatric Treatment for children who require active treatment for a diagnosed mental health condition in a 24-hour residential setting.

~~(7547)~~ “Psychiatric Residential Treatment Services (PRTS)” means services delivered in a PRTF that include 24-hour supervision for children who have serious psychiatric, emotional, or acute mental health conditions that require intensive therapeutic counseling and activity and intensive staff supervision, support, and assistance.

~~(76)~~ “Psychiatrist” means a physician licensed pursuant to ORS 677.010 to 677.228 and ORS 677.410 to 677.450 by the Board of Medical Examiners for the State of Oregon and who has completed an approved residency training program in psychiatry.

~~(77)~~ “Psychologist” means a psychologist licensed by the Oregon Board of Psychologist Examiners.

~~(7848)~~ “Publicly Funded” means financial support, in part or in full, with revenue generated by a local, state, or federal government.

~~(79)~~ “Qualified Mental Health Associate (QMHA)” means an individual delivering services under the direct supervision of a QMHP who meets the minimum qualifications as authorized by the LMHA or designee.

~~(80) “Qualified Mental Health Professional (QMHP)” means a LMP or any other individual meeting the minimum qualifications as authorized by the LMHA or designee.~~

~~(81) “Quality Assessment and Performance Improvement” means the structured, internal monitoring and evaluation of services to improve processes, service delivery, and service outcomes.~~

(8249) “Recovery” means a process of healing and transformation for an individual to achieve full human potential and personhood in leading a meaningful life in communities of their choice.

~~(8350) “Reportable Incident” means a serious an incident involving an individual in an ITS program that shall be reported in writing to the Division within 24 hours of the incident, including but not limited to caused serious harm or presented a serious risk to health and safety, including a serious injury or illness, an act of physical aggression that results in injury, suspected abuse or neglect, or involvement of law enforcement or emergency services, or any other serious incident that presents a risk to health and safety.~~

(8451) “Representative” means an individual who acts on behalf of an individual at the individual’s request with respect to a grievance, including but not limited to a relative, friend, Division employee, attorney, or legal guardian.

(8552) “Residential ~~Problem~~ Gambling ~~Disorder~~ Treatment Program” means a publicly or privately-operated program licensed in accordance with OAR 415-012-0100 through 415-012-0225 that provides assessment, treatment, rehabilitation, and twenty-four-hour observation and monitoring for individuals with gambling related problems.

~~(8653) “Residential Substance Use Disorders Treatment Program” has the meaning given that term in OAR 309-018-0105.~~

(8754) “Resilience” means the universal capacity that an individual uses to prevent, minimize, or overcome the effects of adversity. Resilience reflects an individual’s strengths as protective factors and assets for positive development.

~~(88) “Respite Care” means planned and emergency supports designed to provide temporary relief from care giving to maintain a stable and safe living environment. Respite care may be provided in or out of the home. Respite care includes supervision and behavior support consistent with the strategies specified in the service plan.~~

~~(8955) “Screening” means the process to determine whether the individual needs further assessment to identify circumstances requiring referrals or additional services and supports.~~

~~(9056) “Seclusion” means the involuntary confinement of a resident alone in a room or an area from which the resident is physically prevented from leaving. Seclusion may be used only in approved ITS programs as an emergency safety intervention.~~

(9157) “Secure Children’s Inpatient Programs—” (SCIP) and “Secure Adolescent Inpatient Programs (SAIP)” means ITS programs that are designed to provide inpatient psychiatric stabilization and treatment services to children up to age 14 for SCIP services and individuals under the age of 21 for SAIP services who require a secure intensive treatment setting.

(9258) "Service Note" means the written record of services and supports provided, including documentation of progress toward intended outcomes consistent with the timelines stated in the service plan.

(9359) "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 assessment and the intended outcomes of service.

(9460) "Service Record" means the collected documentation, written or electronic, regarding of an individual ~~and resulting from 's~~ entry, assessment, orientation, services and supports service planning, services and supports provided service notes, and transfer.

(9561) "Services" means ~~the~~ activities and treatments ~~described in the service plan~~ that are intended to assist the individual's transition to recovery from a substance use disorder, problem gambling disorder, or mental health condition and to promote resiliency and rehabilitative and functional individual and family outcomes.

(9662) "Signature" means any written or electronic means of entering the name, date of authentication, and credentials of the individual providing a specific service or the individual authorizing services and supports. Signature also means any written or electronic means of entering the name and date of authentication of the individual receiving services, the guardian of the individual receiving services, or any authorized representative of the individual receiving services.

~~(97) "Skills Training" means providing information and training to individuals and families designed to assist with the development of skills in areas including but not limited to anger management, stress reduction, conflict resolution, self-esteem, parent-child interactions, peer relations, drug and alcohol awareness, behavior support, symptom management, accessing community services, and daily living.~~

(9863) "Sub-Acute Psychiatric Care" means services that are provided by nationally accredited providers to children who need 24-hour intensive mental health services and supports provided in a secure setting to assess, evaluate, stabilize, or resolve the symptoms of an acute episode that occurred as the result of a diagnosed mental health condition.

~~(99) "Substance Abuse Prevention and Treatment Block Grant" or "SAPT Block Grant" means the federal block grants for prevention and treatment of substance abuse under Public Law 102-321 (31 U.S.C. 7301-7305) and the regulations published in Title 45 Part 96 of the Code of Federal Regulations.~~

~~(10064) "Substance Use Disorders" means disorders related to the taking of a drug of abuse such as alcohol, the side effects of a medication, or toxin exposure. The-These disorders include but are not limited to substance use disorders including but not limited to substance dependence and, substance abuse and, substance-induced disorders, including substance intoxication, withdrawal, delirium, and dementia, as well as substance-induced psychotic disorder and mood disorder, as defined in DSM criteria.~~

~~(101) "Substance Use Disorders Treatment and Recovery Services" means outpatient, intensive outpatient, or residential services and supports for individuals with substance use disorders.~~

~~(102) "Substance Use Disorders Treatment Staff" means an individual certified or licensed by a health or allied provider agency to provide substance use disorders treatment services such as assessment, development of a service plan, and individual, group, and family counseling.~~

~~(10365) "Supports" means activities, referrals, and supportive relationships designed to enhance the services delivered to individuals and families for facilitating progress toward intended outcomes.~~

~~(10466) "Transfer" means the process of assisting an individual to transition from the current services to the next appropriate setting or level of care.~~

~~(105) "Trauma Informed Services" means services that are reflective of the consideration and evaluation of the role that trauma plays in the lives of people seeking mental health and substance use services, including recognition of the traumatic effect of misdiagnosis and coercive treatment. Services are responsive to the vulnerabilities of trauma survivors and are delivered in a way that avoids inadvertent re-traumatization and facilitates individual direction of services.~~

~~(106) "Treatment" means the planned, medically appropriate, individualized program of medical, psychological, and rehabilitative procedures, experiences, and activities designed to remediate symptoms of a DSM diagnosis that are included in the service plan.~~

~~(10766) "Urgent" means the onset of symptoms requiring attention within 48 hours to prevent a serious deterioration in an individual's mental or physical health or threat to safety.~~

~~(108) "Urinalysis Test" means an initial test or, if positive, a confirmatory test conducted by a laboratory meeting the requirements of OAR 333-024-0305 to 333-024-0365:~~

~~(a) An initial test shall include, at a minimum, a sensitive, rapid, and inexpensive immunoassay screen to eliminate "true negative" specimens from further consideration;~~

~~(b) A confirmatory test is a second analytical procedure used to identify the presence of a specific drug or metabolite in a urine specimen. The confirmatory test shall be by a different analytical method from that of the initial test to ensure reliability and accuracy.~~

~~(109) "Variance" means an exception from a provision of these rules granted in writing by the Division upon written application from the provider. Duration of a variance is determined on a case-by-case basis.~~

~~(11067) "Volunteer" means an individual who provides a program service or who takes part in a program service and who is not an employee of the program and is not paid for services. The services shall be non-clinical unless the individual has the required credentials to provide a clinical service.~~

~~(11168) "Wellness" means an approach to healthcare that emphasizes good physical and mental health, preventing illness, and prolonging life.~~

~~(112) "Wraparound" means a high-fidelity process of team-based intensive care coordination for children and their families based on National Wraparound Initiative values and principles.~~

(112) “Wraparound” means a definable planning process that results in a unique set of community services and supports individualized for a youth and family to achieve a positive set of outcomes, as defined in OAR chapter 309, division 019.

~~(113) “Young Adult in Transition” means an individual who is developmentally transitioning into independence, sometime between the ages of 14 and 25.~~

Statutory/Other Authority: ORS 161.390, 413.042, 430.256, 426.490 - 426.500, 428.205 - 428.270, 430.640 & 443.450

Statutes/Other Implemented: ORS 109.675, 161.390-161.400, 179.505, 413.520 - 413.522, 426.380 - 426.395, 426.490 - 426.500, 430.010, 430.205 - 430.210, 430.240 - 430.640, 430.850 - 430.955, 443.400 - 443.460, 443.991 & 743A.168

History:

BHS 24-2018, amend filed 12/27/2018, effective 01/25/2019

BHS 16-2018, temporary amend filed 07/17/2018, effective 08/01/2018 through 01/27/2019

MHS 7-2017, f. & cert. ef. 6-23-17

MHS 27-2016(Temp), f. & cert. ef. 12-29-16 thru 6-26-17

MHS 21-2016, f. & cert. ef. 12-1-16

MHS 9-2016(Temp), f. 6-28-16, cert. ef. 7-1-16 thru 12-27-16

MHS 5-2014, f. & cert. ef. 2-3-14

MHS 8-2013(Temp), f. 8-8-13, cert. ef. 8-9-13 thru 2-5-14

309-022-0110 ITS: Provider Policies

(1) Personnel policies. All providers shall develop and implement written personnel policies and procedures compliant with ~~these rules, including this OAR chapter 309, division 022.~~ These policies shall include all elements listed under OAR 309-018-0110(1).

~~(a) Personnel qualifications and credentialing;~~

~~(b) Mandatory abuse reporting, compliant with ORS 430.735-430.768 and OAR 943-045-0250 through 943-045-0370;~~

~~(c) Criminal records checks, compliant with ORSs 181.533 through 181.575 and OAR 943-007-0001 through 0501; and~~

~~(d) Fraud, waste, and abuse in federal Medicaid and Medicare programs compliant with OAR 410-120-1380 and 410-120-1510.~~

~~(e) Drug-Free Workplace.~~

(2) Service delivery policies. All providers shall develop and implement written service delivery policies and procedures compliant with ~~these rules;~~ this OAR chapter 309, division 022. ~~these rules.~~ These policies shall include all elements listed under OAR 309-018-0110(2), and shall be made available to individuals, guardians, and family members upon request.

~~(a) Policies shall be available to individuals and family members upon request; and~~

~~(b) Service delivery policies and procedures shall include at a minimum:~~

~~(A) Fee agreements;~~

~~(B) Confidentiality and compliance with HIPAA, Federal Confidentiality Regulations (42 CFR, Part 2), and state confidentiality regulations as specified in ORSs 179.505 and 192.518 through 192.530;~~

~~(C) Compliance with Title 2 of the Americans with Disabilities Act of 1990 (ADA);~~

~~(D) Grievances and appeals;~~

~~(E) Individual rights;~~

~~(F) Quality assessment and performance improvement;~~

~~(G) Crisis and suicide prevention and response;~~

~~(H) Incident reporting;~~

~~(I) Family involvement;~~

~~(J) Trauma-informed service delivery consistent with the Division Trauma Informed Services Policy;~~

~~(K) Provision of culturally and linguistically appropriate services; and~~

~~(L) Peer delivered services.~~

~~(3) In addition to the personnel and service delivery policies required of all providers, residential program providers shall~~ Residential programs shall comply with the requirements articulated in sections (1) and (2), above, and shall also develop and implement written policies and procedures for the following compliant with this chapter 309, division 022 that include:

~~(a) Medical protocols and medical emergencies;~~

~~(a) All elements listed under OAR 309-018-0110(3);~~

~~(b) Medication administration, storage, and disposal;~~

~~(c) General safety and emergency procedures to include an evacuation plan and emergency plan in case of fire, explosion, accident, death, or other emergencies. The evacuation and emergency procedures and plans shall be current and posted in a common area;~~

~~(d)(b) Suicide risk assessment;~~

~~(e)(c) Emergency safety interventions in ITS programs; and~~

~~(f)(d) Proactive and positive behavior support consistent with OAR 309-022-0165.~~

(4) Impermissible practices. Providers shall establish written policies that prohibit the practices listed in OAR 309-018-0110(4), except that seclusion and restraint may be used consistent with this OAR chapter 309, division 022.

Statutory/Other Authority: ORS 161.390, 413.042, 430.256, 426.490 - 426.500, 428.205 - 428.270, 430.640 & 443.450

Statutes/Other Implemented: ORS 109.675, 161.390 - 161.400, 179.505, 413.520 - 413.522, 426.380 - 426.395, 426.490 - 426.500, 430.010, 430.205 - 430.210, 430.240 - 430.640, 430.850 - 430.955, 443.400 - 443.460, 443.991 & 743A.168

History:

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BHS 16-2018, temporary amend filed 07/17/2018, effective 08/01/2018 through 01/27/2019

MHS 7-2017, f. & cert. ef. 6-23-17

MHS 27-2016(Temp), f. & cert. ef. 12-29-16 thru 6-26-17

MHS 8-2013(Temp), f. 8-8-13, cert. ef. 8-9-13 thru 2-5-14

309-022-0115 ITS: Individual Rights

(1) In addition to all applicable statutory and constitutional rights, every individual receiving services has the right to:

(a) Choose from available services and supports those that are consistent with the service plan, culturally ~~competent~~responsive, provided in the most integrated setting in the community, and under conditions that are least restrictive to the individual's liberty, least intrusive to the individual, and provide for the greatest degree of independence;

(b) Be treated with dignity and respect;

(c) Have access to peer-delivered services;

(d) Participate in the development of a written service plan, receive services consistent with that plan, and participate in periodic review and reassessment of service and support needs, assist in the development of the plan, and receive a copy of the written service plan;

(e) Have all services explained, including expected outcomes and possible risks;

(f) Confidentiality and the right to consent disclosure in accordance with ORS 107.154, 179.505, ~~179.507, 192.515, 192.507, and 192.517~~; 42 CFR Part 2, ~~and~~ and 45 CFR ~~Part §~~ 205.50;

(g) Give informed consent in writing prior to the start of services, except in a medical emergency or as otherwise permitted by law. Minor children may give informed consent to services in the following circumstances:

(A) Under age 18 and legally married;

(B) Age 16 or older and legally emancipated by the court; or

(C) Age 14 or older for outpatient services only. For purposes of informed consent, "outpatient service" does not include service provided in residential programs or in day or partial hospitalization programs.

(h) Inspect their service record in accordance with ORS 179.505;

(i) Refuse participation in experimentation;

(j) Receive medication specific to the individual's diagnosed clinical needs, including medications used to treat opioid dependence;

(k) Receive prior notice of transfer, unless the circumstances necessitating transfer pose a threat to health ~~and-or~~and safety;

~~(l)~~ Be free from abuse ~~or-and~~and neglect, ~~and~~ ~~can-to~~can report any incident of abuse or neglect without being subject to retaliation;

(m) Have religious freedom;

- (n) Be free from seclusion and restraint, except as set forth in OAR 309-022-0175;
- (o) Be informed at the start of services and periodically thereafter of the rights guaranteed by this rule;
- (p) Be informed of the policies and procedures, service agreements, and fees applicable to the services provided, and to have a custodial parent, guardian, or representative assist with understanding any information presented;
- (q) Have family and guardian involvement in service planning and delivery;
- (r) Make a declaration for mental health treatment ~~when~~, if legally an adult;
- (s) File grievances, including appealing decisions resulting from the grievance;
- (t) Exercise all rights set forth in ORS 109.610 through 109.697 if the individual is a child, as defined by these rules;
- (u) Exercise all rights set forth in ORS 426.385 if the individual is committed to the Authority; and
- (v) Exercise all rights described in this rule without any form of reprisal or punishment.

(2) In addition to the rights set forth in section (1) of this rule, every individual receiving residential services has the right to:

- (a) A safe, secure, and sanitary living environment;
- (b) A humane service environment that affords reasonable protection from harm, reasonable privacy, and daily access to fresh air and the outdoors;
- (c) Keep and use personal clothing and belongings and have an adequate amount of private, secure storage space. Reasonable restriction of the time and place of use of certain classes of property may be implemented if necessary to prevent the individual or others from harm, provided notice of this restriction is given to individuals and their families, if applicable, upon entry to the program, documented, and reviewed periodically;
- (d) Express sexual orientation, gender identity, and gender presentation;
- (e) Have access to and participate in social, religious, and community activities;
- (f) Private and uncensored communications by mail, telephone, and visitation, subject to the following restrictions:
 - (A) This right may be restricted only if the provider documents in the individual's record that there is a court order to the contrary or that, in the absence of this restriction, significant physical or clinical harm may result to the individual or others. The nature of the harm shall be specified in reasonable detail, and any restriction of the right to communicate shall be no broader than necessary to prevent this harm; and

(B) The individual and their guardian, if applicable, shall be given specific written notice of each restriction of the individual's right to private and uncensored communication. The provider shall ensure that correspondence can be conveniently received and mailed, that telephones are reasonably accessible and allow for confidential communication, and that space is available for visits. Reasonable times for the use of telephones and visits may be established in writing by the provider.

(g) Communicate privately with public or private rights protection programs or rights advocates, clergy, and legal or medical professionals;

(h) Have access to and receive available and applicable educational services in the most integrated setting in the community;

(i) Participate regularly in indoor and outdoor recreation;

(j) Not be required to perform labor;

(k) Have access to adequate food and shelter; and

~~(l) A reasonable accommodation if, due to a disability, the housing and services are not sufficiently accessible.~~

(3) Notification of individual rights.

~~(3) The (a) Consistent with OAR 309-022-0135(2), the provider shall give to the individual and, if appropriate, the guardian, a document that describes the applicable individual's rights as follows: (a) Information given to the individual shall be in written form or upon request individual rights defined in this rule, as well as how to exercise those rights. Upon request, this information shall be explained verbally, and shall be made available in an alternative format or language appropriate to the individual's need; or guardian's needs.~~

~~(b) Rights and how to exercise them shall be explained to the individual and if appropriate to their guardian; and~~

~~(c) Individual rights shall be posted in writing (b) The provider shall post, in a common area, a document describing the rights enumerated in this section.~~

~~(4) In addition to the rights described in section (3), applicants and providers of Integrated (IPSR) Programs shall meet the requirements for Individual Rights specified in OAR 309-018-0115, except that seclusion and restraint may be administered as set forth in OAR 309-022-0175.~~

Statutory/Other Authority: ORS 161.390, 413.042, 430.256, 426.490 - 426.500, 428.205 - 428.270, 430.640 & 443.450

Statutes/Other Implemented: ORS 109.675, 161.390 - 161.400, 179.505, 413.520 - 413.522, 426.380 - 426.395, 426.490 - 426.500, 430.010, 430.205 - 430.210, 430.240 - 430.640, 430.850 - 430.955, 443.400 - 443.460, 443.991 & 743A.168

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BHS 16-2018, temporary amend filed 07/17/2018, effective 08/01/2018 through 01/27/2019

MHS 7-2017, f. & cert. ef. 6-23-17

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MHS 5-2014, f. & cert. ef. 2-3-14

MHS 8-2013(Temp), f. 8-8-13, cert. ef. 8-9-13 thru 2-5-14

~~309-022-0120 Licensing and Credentialing~~

~~Program staff in the following positions must meet applicable credentialing or licensing standards, including those outlined in these rules:~~

~~(1) CESIS;~~

~~(2) Clinical Supervisor;~~

~~(3) LMP;~~

~~(4) Medical Director;~~

~~(5) QMHA; and~~

~~(6) QMHP.~~

~~Statutory/Other Authority: ORS 161.390, 413.042, 426.490 – 426.500, 428.205 – 428.270, 430.256, 430.640 & 443.450~~

~~Statutes/Other Implemented: ORS 109.675, 161.390 – 161.400, 179.505, 413.520 – 413.522, 426.380 – 426.395, 426.490 – 426.500, 430.010, 430.205 – 430.210, 430.240 – 430.640, 430.850 – 430.955, 443.400 – 443.460, 443.991 & 743A.168~~

~~History:~~

~~MHS 5-2014, f. & cert. ef. 2-3-14~~

~~MHS 8-2013(Temp), f. 8-8-13, cert. ef. 8-9-13 thru 2-5-14~~

309-022-0125 ITS: Specific Staff Qualifications and Competencies

Program staff in the following positions must meet applicable credentialing or licensing standards.

(1) Program administrators or program directors shall demonstrate competence in leadership, program planning and budgeting, fiscal management, supervision of program staff, personnel management, program staff performance assessment, use of data, reporting, program evaluation, quality assurance, and developing and coordinating community resources.

(2) Clinical supervisors in all programs shall demonstrate competence in leadership, wellness, oversight and evaluation of services, staff development, service planning, case management and coordination, and utilization of community resources; group, family, and individual therapy or counseling; and documentation and rationale for services to promote intended outcomes and implementation of all provider policies.

(3) Clinical supervisors in mental health programs shall meet QMHP requirements and complete two years of post-graduate clinical experience in a mental health treatment setting.

(4) Clinical supervisors in Substance Use Disorders Treatment Programs shall meet the requirements as specified in OAR 309-018-0125 (3).

(5) Peer Delivered Services Supervisors shall be a certified Peer Support Specialist (PSS) or Peer Wellness Specialist (PWS) with at least one-year of experience.

~~(6) QMHAs shall demonstrate the ability to communicate effectively; understand mental health assessment, treatment, and service terminology and apply each of these concepts; implement skills development strategies; and identify, implement, and coordinate the services and supports identified in a service plan. QMHAs shall meet the following minimum qualifications:~~

~~(a) Bachelor's degree in a behavioral science field; or~~

~~(b) A combination of at least three years of relevant work, education, training, or experience; or~~

~~(c) A qualified mental health intern, as defined in OAR 309-022-0105.~~

~~(7) QMHPs shall demonstrate the ability to conduct an assessment, including identifying precipitating events, gathering histories of mental and physical health, substance use, past mental health services, and criminal justice contacts; assessing family, cultural, social, and work relationships; and conducting a mental status examination, completing a DSM diagnosis, writing and supervising the implementation of a service plan; and providing individual, family, or group therapy within the scope of their training. QMHPs shall meet the following minimum qualifications:~~

~~(a) Bachelor's degree in nursing and licensed by the State of Oregon;~~

~~(b) Bachelor's degree in occupational therapy and licensed by the State of Oregon;~~

~~(c) Graduate degree in psychology;~~

~~(d) Graduate degree in social work;~~

~~(e) Graduate degree in recreational, art, or music therapy;~~

~~(f) Graduate degree in a behavioral science field;~~

~~(g) A qualified mental health intern, as defined in OAR 309-022-0105.~~

~~(68)~~ Peer support specialists and peer wellness specialists, including family and youth support and wellness specialists, shall be certified and meet the requirements in OAR 410-180-0300 to 0380 for certification and continuing education, and shall demonstrate:

(a) The ability to support others in their recovery or resiliency; and

(b) Personal life experience and tools of self-directed recovery and resiliency.

(7) Program staff, contractors, volunteers, and interns providing treatment services or Peer Delivered Services in substance use disorders, problem gambling, or mental health treatment programs shall be trained in and familiar with strategies for delivery of trauma informed and culturally responsive treatment services.

Statutory/Other Authority: ORS 161.390, 413.042, 426.490 - 426.500, 428.205 - 428.270, 430.256, 430.640 & 443.450

Statutes/Other Implemented: ORS 109.675, 161.390 - 161.400, 179.505, 413.520 - 413.522, 426.380 - 426.395, 426.490 - 426.500, 430.010, 430.205 - 430.210, 430.240 - 430.640, 430.850 - 430.955, 443.400 - 443.460, 443.991 & 743A.168

History:

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MHS 27-2016(Temp), f. & cert. ef. 12-29-16 thru 6-26-17

MHS 5-2014, f. & cert. ef. 2-3-14

MHS 8-2013(Temp), f. 8-8-13, cert. ef. 8-9-13 thru 2-5-14

309-022-0130 ITS: Personnel Documentation, Training, and Supervision

(1) Providers shall maintain personnel records for each program staff that ~~contains~~contain all the following documentation:

(a) An employment application;

(b) Verification of a criminal ~~record check pursuant to OAR 943-007-0001 through 943-007-0501~~records check or background check, as required under OAR chapter 407, division 007;

(c) A current job description that includes applicable competencies;

(d) Copies of relevant licensure or certification, diploma, or certified transcripts from an accredited college, indicating that the program staff meets applicable qualifications;

(e) Periodic performance appraisals;

(f) Staff orientation and development activities;

(g) Program staff incident reports;

(h) Disciplinary documentation;

(i) Reference checks;

(j) Emergency contact information; and

(k) Documentation of a tuberculosis screening pursuant to OAR ~~333-071-0057~~333-071-0460.

(2) Providers shall maintain the following documentation for contractors, interns, or volunteers, as applicable:

(a) A contract or written agreement;

(b) A signed confidentiality agreement;

(c) Service-specific orientation documentation; and

(d) Verification of a criminal records check ~~pursuant to OAR 943-007-0001 through 943-007-0501~~or background check, as required under OAR chapter 407, division 007.

(3) Providers shall ensure program staff receive training applicable to the specific population for whom services are planned, delivered, or supervised. The program shall document orientation training for each program staff or individual providing services within 30 days of the hire date. At a minimum, orientation training for all program staff shall include ~~but not be limited to:~~

(a) A review of individual crisis prevention and response procedures;

(b) A review of emergency procedures, including emergency evacuation;

(c) A review of program policies and procedures;

(d) A review of rights for individuals receiving services and supports;

(e) A review of mandatory abuse reporting procedures;

(f) A review of confidentiality policies and procedures;

(g) A review of fraud, waste and abuse policies and procedures;

(h) A review of care coordination procedures;~~and~~

(i) Positive behavior support training~~;~~

(j) A review of cultural responsiveness; and

(k) A review of trauma informed services, including any specific educational materials that may be required by the Authority.

(4) Individuals providing direct services shall receive supervision by a qualified clinical supervisor, as defined in these rules, related to the development, implementation, and outcome of services. Clinical supervision shall be provided to assist program staff and volunteers to increase their skills, improve quality of services to individuals, and supervise program staff and volunteers' compliance with program policies and procedures, including:

(a) Documentation of clinical supervision for QMHP staff of no less than two hours per month. The two hours shall include one hour of face-to-face contact for each individual supervised or a proportional level of supervision for part-time QMHP staff. ~~Face-to-face contact may include real-time, two-way audio-visual conferencing;~~ or

(b) Documentation of two hours of quarterly supervision for program staff holding a health or allied provider license, including at least one hour of face-to-face contact for each individual supervised;

(c) Documentation of clinical supervision for each QMHA staff supervised of no less than two hours per month. The two hours shall include one hour of face-to-face contact for each individual supervised related to direct care responsibilities or a proportional level of supervision for part-time QMHA staff. ~~Face-to-face contact may include real-time, two-way audio-visual conferencing.~~ Clinical supervision of a QMHA may be conducted by a lead QMHA staff;

(d) Documentation of weekly supervision for program staff meeting the definition of mental health intern. Documentation shall include:

(A) The date supervision took place;

(B) The amount of supervision time;

(C) A brief description of relevant topics discussed.

(e) For individuals providing direct ~~Peer-Delivered Services~~peer-delivered services, one of the two hours of required supervision shall be provided by a qualified ~~Peer-Delivered Services Supervisor~~peer-delivered services supervisor.

Statutory/Other Authority: ORS 161.390, 413.042, 426.490 - 426.500, 428.205 - 428.270, 430.256, 430.640 & 443.450

Statutes/Other Implemented: ORS 109.675, 161.390 - 161.400, 179.505, 413.520 - 413.522, 426.380 - 426.395, 426.490 - 426.500, 430.010, 430.205 - 430.210, 430.240 - 430.640, 430.850 - 430.955, 443.400 - 443.460, 443.991 & 743A.168

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MHS 5-2014, f. & cert. ef. 2-3-14

MHS 8-2013(Temp), f. 8-8-13, cert. ef. 8-9-13 thru 2-5-14

309-022-0135 ITS: Entry and Assessment

(1) The program shall utilize a written entry procedure to ensure the following:

(a) Individuals shall be considered for entry without regard to race, ethnicity, gender, gender identity, gender presentation, sexual orientation, religion, creed, national origin, age, familial status, marital status, source of income, disability, or age (except when program eligibility is restricted to children, adults, or older adults, ~~familial status, marital status, source of income, and disability~~);

(b) Individuals shall receive services in the timeliest manner feasible consistent with the presenting circumstances;

(c) The provider may not deny entry solely on the basis that an individual has been prescribed medication to treat opioid dependence.

(d) In outpatient programs, the provider may not use lack of medical history records as a reason to delay or deny an assessment or entry to a program. Self-report of medical history is sufficient for an individual to enter services. The provider will offer support to an individual in gaining necessary records. This section (1)(d) does not apply to residential programs.

~~(e)~~ Written informed consent for services shall be obtained from the individual or guardian, if applicable, prior to the start of services. If such consent is not obtained, the reason shall be documented and further attempts to obtain informed consent shall be made as appropriate;

~~(d) The provider shall develop and maintain service records and other documentation for each individual that demonstrates the specific services and supports and the applicable date;~~

~~(e)~~ (f) The provider shall report the entry of all individuals on the mandated state data system;

~~(f)~~ (g) In accordance with ORS 179.505 ~~and~~, HIPAA, and 42 CFR Part 2, an authorization for the release of information shall be obtained for any confidential information concerning the individual being considered for or receiving services.

(2) At the time of entry, the program shall offer to the individual and guardian, if applicable, written program orientation information. The written information shall be in a language understood by the individual and shall include:

(a) A description of individual rights consistent with these rules; ~~and~~

(b) Policies concerning grievances and appeals, including an example grievance form; ~~and~~

(c) Policies concerning confidentiality.

(3) Entry of children in community-based mental health services shall be prioritized in the following order:

(a) Children who are at immediate risk of psychiatric hospitalization or removal from home due to emotional and mental health conditions;

(b) Children who have severe mental health conditions;

(c) Children who exhibit behavior that indicates high risk of developing conditions of a severe or persistent nature; and

(d) Any other child who is experiencing mental health conditions that significantly affect the child's ability to function in everyday life but not requiring hospitalization or removal from home in the near future.

(4) Assessment:

(a) At the time of entry, an assessment shall be completed prior to development of the service plan;

(b) The assessment shall be completed by a QMHP. A QMHA may assist in the gathering and compiling of information to be included in the assessment;

(c) Each assessment shall include:

(A) ~~Sufficient~~ information and documentation to justify the presence of a DSM diagnosis that is the medically appropriate reason for services, including:

(i) Presenting problem(s);

(ii) Recent History including duration, frequency, intensity, and circumstances of symptoms;

(iii) Current level of functioning at home, work, school or child care;

(iv) Psychiatric History including previous interventions to treat psychiatric and substance use related conditions (medical and non-medical);

(v) Medical history including current primary care provider;

(vi) Family History including Mental Health and Substance Use;

(vii) Social history including family relationships, school functioning, peer relationships, substance use history, exposure to trauma and loss of key relationships;

(viii) Developmental status/history;

(ix) Developmentally appropriate mental status exam (MSE) including evaluation of risk of harm to self. This must include use of an evidence based suicide screening tool; and

(x) Clinical formulation which identifies strengths, justifies the diagnosis, provides service recommendations, prognosis and anticipated duration of treatment. When the MSE screens positive for risk of suicide, a risk assessment, safety planning and lethal means counseling must be documented.

~~(B) Suicide An assessment of suicide potential shall be assessed and service records shall contain follow-up actions and referrals when and, if an individual reports symptoms indicating risk of suicide, appropriate follow up actions and referrals, which shall be documented in the service record;~~

~~(C) Screening for the presence of co-occurring disorders and chronic medical conditions; and~~

~~(D) Screening for the presence of symptoms related to physical-, financial, sexual, or psychological trauma and for identification of strengths and resilience strategies.~~

(d) When the assessment process determines the presence of co-occurring substance use, gambling, or ~~and~~ mental health disorders or any significant risk to health and safety:

(A) Additional assessments shall be used to determine the need for additional services and supports and the level of risk to the individual or to others; and

(B) All providers shall document and assist as needed in referral for further assessment, planning, and intervention from an appropriate professional, either with the same provider or with a collaborative community provider.

(e) In addition to periodic assessment updates based on changes in the clinical circumstance, any individual continuing to receive mental health services for one or more continuous years shall receive an annual assessment by an LMP or designee, in accordance with OAR 309-022-0140(2)(c).

~~(f) Integrated/IPSR providers shall also meet the requirements specified in OAR 309-018-0140 for conducting assessments.~~

Statutory/Other Authority: ORS 161.390, 413.042, 430.256, 426.490 - 426.500, 428.205 - 428.270, 430.640 & 443.450

Statutes/Other Implemented: ORS 109.675, 161.390 - 161.400, 179.505, 413.520 - 413.522, 426.380 - 426.395, 426.490 - 426.500, 430.010, 430.205 - 430.210, 430.240 - 430.640, 430.850 - 430.955, 443.400 - 443.460, 443.991 & 743A.168

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MHS 5-2014, f. & cert. ef. 2-3-14

MHS 8-2013(Temp), f. 8-8-13, cert. ef. 8-9-13 thru 2-5-14

309-022-0140 ITS: Service Planning Plans, Service Notes, and Care Coordination

~~(1) The provider shall deliver or coordinate for each individual appropriate services and supports to collaboratively facilitate intended service outcomes as identified by the individual and family:~~

~~(a) Qualified program staff shall facilitate a planning process, resulting in a service plan that reflects the assessment;~~

~~(b) A service plan shall be completed prior to the start of services;~~

~~(c) A licensed health care professional shall recommend the services and supports by signing the service plan;~~

~~(d) Individuals and family members shall be invited to participate in the development of the service plan;~~

~~(e) Providers shall fully inform the individual and guardian when applicable of the proposed services and supports in developmentally and culturally appropriate language, obtain informed consent for all proposed services, offer peer delivered services, and give the individual and guardian a written copy of the service plan;~~

~~(f) Providers shall collaborate with community partners to coordinate or deliver services and supports identified in the service plan;~~

~~(g) Providers shall collaborate to exchange information with any applicable physical health care providers for the individual to promote regular and adequate health care.~~

~~(2) The service plan shall be a written, individualized plan to improve the individual's condition to the point where the individual's continued participation in the program is no longer necessary. The service plan is included in the individual's service records and shall~~planning process and service plan shall meet all requirements listed under OAR 309-018-0145(1) and (2), in addition to the following:

~~(a) Be completed prior to the start of services;~~

~~(b) Reflect the full assessment and the level of care to be provided;~~

~~(a) The provider shall integrate service planning and transfer planning, as described below in section (3).~~

~~(b) As part of the service planning process, the provider shall offer the option of peer delivered services.~~

~~(c) Include the participation of~~The provider shall give the individual and ~~family members;~~family members;~~(d) Be guardian~~a written copy of the completed ~~by a QMHP;~~service plan.

~~(d) The service plan shall include a behavior support plan and proactive safety and crisis planning.~~

~~(2) Approval and review requirements.~~

~~(a) The service plan shall be completed and signed by a QMHP;~~

~~(e) service~~A-Within 10 business days from the start of services, the service plan shall be approved and signed by a QMHP who is also a licensed health care professional ~~shall recommend the services and supports by signing the service plan within ten business days of the start of services; and~~

~~(f)~~(c) An LMP shall approve the service plan at least annually for everyone receiving mental health services for one or more continuous years. The LMP may designate annual clinical oversight by documenting the designation to a specific licensed health care professional.

~~(3) At a minimum, each service plan shall include:~~

(d) The service plan shall document review by the interdisciplinary team to ensure that the child's service plan is medically appropriate for the specific level of care, and that any changes in the plan recommended by the interdisciplinary team, as indicated by the child's service and support needs, have been implemented.

(3) Transfers shall be documented in the service notes in accordance with OAR 309-022-0180. To prepare for a smooth transfer, the interdisciplinary team shall:

(a) Treatment objectives that are:

(A) Individualized to meet the assessed needs of the individual; and

(B) Measurable for evaluating individual progress, including a baseline evaluation.

(b) The specific services and supports indicated by the assessment that shall be used to meet the treatment objectives;

(a) Integrate transfer planning into ongoing treatment planning and documentation from the time of entry;

(b) Specify in the service plan the transfer criteria that shall indicate resolution of the symptoms and behaviors that justified the entry;

(c) A projected schedule for service and support delivery, including the expected frequency and duration of each type of planned service or support;

(c) Notify the individual's parent or guardian and the provider to which the individual shall be transitioned of the anticipated transfer date at the time of entry, and whenever the service plan is changed in a manner that affects the anticipated transfer date;

(d) The credentials of the personnel providing each service and support; and

(d) When requested by the parent, guardian, or provider to which the child shall be transitioned, include any provider of peer delivered services in transfer planning and reflect their needs and desires to the extent clinically indicated; and

(e) A projected schedule for re-evaluating the service plan;

(f) Proactive safety and crisis planning; and

(g) A behavior support plan.

(4) The interdisciplinary team shall

~~conduct~~ (e) Conduct a review of progress and transfer criteria at least every 30 days from the date of entry ~~and shall document, including documentation of~~ the member's ~~present~~ progress, ~~and any~~ changes made to the transfer criteria. For Psychiatric Day Treatment Services, the ~~review shall be conducted every 30 days, and the~~ LMP shall participate in ~~the a~~ review at least once every 90 days.

~~(5)~~ (5) Service notes. Providers shall document each service and support in a service note. ~~A service note, at minimum, shall include:~~ which shall include all elements listed under OAR 309-018-0145(4).

(5) Care coordination. The provider shall comply with the care coordination responsibilities enumerated at OAR 309-018-0145(6) & (7).

~~(a) The specific services rendered;~~

~~(b) The specific service plan objectives being addressed by the services provided;~~

~~(c) The relationship of the services provided to the treatment objective described in the service plan;~~

~~(d) The date, time of service, and the actual amount of time the services were rendered;~~

~~(e) The personnel rendering the services, including the name, credential, and signature;~~

~~(f) The setting in which the services were rendered; and~~

~~(g) Periodic updates describing the individual's progress.~~

~~(6) Decisions to transfer individuals shall be documented and include:~~

~~(a) The reason for the transfer;~~

~~(b) Referrals to follow up services and other behavioral health providers; and~~

~~(c) Outreach efforts made.~~

Statutory/Other Authority: ORS 161.390, 413.042, 430.256, 426.490 - 426.500, 428.205 - 428.270, 430.640 & 443.450

Statutes/Other Implemented: ORS 109.675, 161.390 - 161.400, 179.505, 413.520 - 413.522, 426.380 - 426.395, 426.490 - 426.500, 430.010, 430.205 - 430.210, 430.240 - 430.640, 430.850 - 430.955, 443.400 - 443.460, 443.991 & 743A.168

History:

BHS 24-2018, amend filed 12/27/2018, effective 01/25/2019

BHS 16-2018, temporary amend filed 07/17/2018, effective 08/01/2018 through 01/27/2019

MHS 7-2017, f. & cert. ef. 6-23-17

MHS 27-2016(Temp), f. & cert. ef. 12-29-16 thru 6-26-17

MHS 5-2014, f. & cert. ef. 2-3-14

MHS 8-2013(Temp), f. 8-8-13, cert. ef. 8-9-13 thru 2-5-14

309-022-0145 ITS: Service Record

(1) All providers shall develop and maintain a service record for each individual upon entry.

~~(2) Documentation shall be appropriate in quality and quantity to meet professional standards applicable to the provider and any additional standards for documentation in the provider's policies and any pertinent contracts.~~

~~(3) The service record shall, at a minimum, include:~~

~~(a) Identifying information or documentation of attempts to obtain the information, including:~~

~~(a) Comply with all requirements enumerated at OAR 309-018-0150;~~

~~(b) Informed Consent for Service, including medications or documentation specifying why the provider could not obtain consent by the individual or guardian as applicable;~~

~~(c) Written refusal of any services and supports offered, including medications;~~

~~(d) A signed fee agreement, when applicable;~~

~~(e) Assessment and updates to the assessment;~~

~~(f) A service plan, including any applicable behavior support or crisis intervention planning;~~

~~(g) Service notes;~~

~~(h) A transfer summary, when applicable;~~

~~(i) Applicable signed consents for release of information.~~

~~(4) When medical services are provided, the following documents shall be part of the service record as applicable:~~

~~(a) Medication administration records;~~

~~(b) Laboratory reports; and~~

~~(c) LMP orders for medication, protocols, or procedures.~~

~~(5) Providers shall maintain additional service record documentation as follows:~~

~~(a) A personal belongings inventory created upon entry and updated whenever an item of significant value is added or removed or on the date of transfer;~~

~~(b) Documentation indicating that the individual and guardian, as applicable, were provided with the required orientation information upon entry;~~

~~(c) Background information including strengths and interests, all available previous mental health or substance use assessments, previous living arrangements, service history, behavior support considerations, education service plans if applicable, and family and other support resources;~~

~~(d) Medical information including a brief history of any health conditions, documentation from a LMP or other qualified health care professional of the individual's current physical health, and a written record of any prescribed or recommended medications, services, dietary specifications, and aids to physical functioning;~~

~~(e) Copies of documents relating to guardianship or any other legal considerations, as applicable;~~

~~(f) A copy of the individual's most recent service plan, if applicable, or in the case of an emergency or crisis respite entry, a summary of current addictions or mental health services and any applicable behavior support plans;~~

~~(g) Documentation of the individual's ability to evacuate the home consistent with the program's evacuation plan developed in accordance with the Oregon Structural Specialty Code and Oregon Fire Code;~~

~~(h) Documentation of any safety risks;~~

~~(i) Incident reports, when required, including:~~

~~(A) The date of the incident, the persons involved, the details of the incident, and the quality and performance actions taken to initiate investigation of the incident and correct any identified deficiencies; and~~

~~(B) Any child abuse reports made by the provider to law enforcement or to the Department's Child Welfare Programs documenting the date of the incident, the individuals involved and, if known, the outcome of the reports.~~

~~(j) Level of service intensity determination;~~

~~(A) The individual's name, address, telephone number, date of birth, and gender;~~

~~(B) Name, address, and telephone number of the parent or legal guardian, primary care giver, or emergency contact;~~

~~(C) Contact (b) Include names and contact information for medical and dental providers. all (k) Names and contact information of the members of the interdisciplinary team;~~

~~(L) Documentation by the interdisciplinary team (c) Include, in a separate section or a separate format, emergency safety intervention records, as required by OAR 309-022-0175;~~

~~(d) Include a level~~

~~that the child's service plan has been reviewed, the services provided are medically appropriate for the specific level of care, and changes in the plan recommended by the interdisciplinary team, as indicated by the child's service and support needs, have been implemented; (m) Emergency safety intervention records in a separate section or in a separate format documenting each incident of personal restraint or seclusion, signed and dated by the qualified program staff directing the intervention and, if required, by the psychiatrist or clinical supervisor authorizing the intervention; and of service intensity determination; and~~

~~(n) A-Include a copy of the written transition instructions provided to the child and family on the date of transfer.~~

Statutory/Other Authority: ORS 161.390, 413.042, 430.256, 426.490 - 426.500, 428.205 - 428.270, 430.640 & 443.450

Statutes/Other Implemented: ORS 109.675, 161.390 - 161.400, 179.505, 413.520 - 413.522, 426.380 - 426.395, 426.490 - 426.500, 430.010, 430.205 - 430.210, 430.240 - 430.640, 430.850 - 430.955, 443.400 - 443.460, 443.991 & 743A.168

History:

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MHS 5-2014, f. & cert. ef. 2-3-14

MHS 8-2013(Temp), f. 8-8-13, cert. ef. 8-9-13 thru 2-5-14

309-022-0150 ITS: Minimum Program Requirements

ITS providers shall meet the following general requirements:

(1) Maintain the organizational capacity and interdisciplinary treatment capability to deliver clinically and developmentally appropriate services in the medically appropriate amount, intensity, and duration for each child specific to the child's diagnosis, level of functioning, and the acuity and severity of the child's psychiatric symptoms.

(2) Maintain ~~24-hour, seven days per week~~ treatment responsibility for children in the program 24 hours per day, seven days per week.

(3) Non-residential programs shall maintain on-call capability at all times to respond directly or by referral to the treatment needs of children, including crises, 24 hours per day, ~~and~~ seven days per week.

~~(4) Inform the Division and the legal guardian within twenty-four hours of reportable incidents.~~

(4) In the event of a reportable incident, inform the Division in writing, and inform the guardian orally or in writing, within 24 hours.

(5) Maintain linkages with primary care physicians, CMHPs, and MHOs-mental health organizations, and the child's parent or guardian to coordinate necessary continuing care resources for the child.

(6) Maintain linkages with the applicable education service district or school district to coordinate and provide the necessary educational services for the children and to integrate education services in all phases of assessment, service and support planning, active treatment, and transition planning.

Statutory/Other Authority: ORS 161.390, 413.042, 430.256, 426.490 - 426.500, 428.205 - 428.270, 430.640 & 443.450

Statutes/Other Implemented: ORS 109.675, 161.390 - 161.400, 179.505, 413.520 - 413.522, 426.380 - 426.395, 426.490 - 426.500, 430.010, 430.205 - 430.210, 430.240 - 430.640, 430.850 - 430.955, 443.400 - 443.460, 443.991 & 743A.168

History:

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BHS 16-2018, temporary amend filed 07/17/2018, effective 08/01/2018 through 01/27/2019

MHS 5-2014, f. & cert. ef. 2-3-14

MHS 8-2013(Temp), f. 8-8-13, cert. ef. 8-9-13 thru 2-5-14

309-022-0155 ITS: General Staffing Requirements

(1) ITS providers shall have ~~the sufficient~~ clinical leadership ~~and sufficient~~, QMHP, QMHA, and other program staff to meet the ~~24-hour, seven-days-per-week~~ treatment needs of children ~~and 24 hours per day, seven days per week~~. Providers shall establish policies, procedures, and contracts to ~~assure~~ satisfy the following requirements.

(a) Availability of psychiatric services ~~to meet the following requirements~~:

~~(A) Provision of~~ Providers shall ensure medical oversight of the clinical aspects of care ~~in nationally~~.

(i) Nationally accredited sub-acute and psychiatric residential treatment facilities ~~and shall~~ provide 24-hour, seven ~~days per~~ days per week psychiatric on-call coverage, ~~or~~.

(ii) Psychiatric day treatment providers shall ensure psychiatrist availability to consult on clinical care and treatment ~~in psychiatric day treatment; and~~.

(B) ~~Assessment~~ Providers shall assess of each child's medication and treatment needs, prescribe medicine or otherwise assure that case management and consultation services are provided to obtain prescriptions, and prescribe therapeutic modalities to achieve the child's service plan goals.

(b) There shall be at least one program staff member who has completed First Aid and CPR training on duty at all times.

(2) Residential ITS providers shall ensure overnight program staff visually monitor clients for signs of life at specified intervals ~~as per agency policy~~, during sleeping hours ~~for signs of life~~. This includes monitoring for breathing and movement.

(3) ITS providers shall ensure that the following services and supports are available and accessible through direct service, contract, or by referral:

(a) Active psychiatric treatment and education services ~~, which~~ shall be functionally integrated in a therapeutic environment designed to reflect and promote achievement of the intended outcomes of each child's service plan;

(b) Continuity of the child's education when treatment services interrupt the child's day to day educational environment;

~~(c) Family therapy provided by a QMHP. The family therapist to child ratio shall be at least one family therapist for each 12 children;~~

(c) Educational services coordination and advocacy;

(d) Psychiatric services;

(e) Individual, group, and family therapies provided by a QMHP ~~There shall be no less than~~, with a ratio of at least one family therapist available for ~~each every~~ 12 children;

(f) Medication evaluation, management, and monitoring;

- (g) Pre-vocational or vocational rehabilitation;
- (h) Therapies supporting speech, language, and hearing rehabilitation;
- (i) Individual and group psychosocial skills development;
- (j) Activity and recreational therapies;
- (k) Nutrition;
- (L) Physical health care services or coordination;
- (m) Recreational and social activities consistent with individual strengths and interests; [and](#)
- ~~(n) Educational services coordination and advocacy; and~~
- ~~(e)(n) Behavior support services.~~

Statutory/Other Authority: ORS 161.390, 413.042, 430.256, 426.490 - 426.500, 428.205 - 428.270, 430.640 & 443.450

Statutes/Other Implemented: ORS 109.675, 161.390 - 161.400, 179.505, 413.520 - 413.522, 426.380 - 426.395, 426.490 - 426.500, 430.010, 430.205 - 430.210, 430.240 - 430.640, 430.850 - 430.955, 443.400 - 443.460, 443.991 & 743A.168

History:

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MHS 7-2017, f. & cert. ef. 6-23-17

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MHS 5-2014, f. & cert. ef. 2-3-14

MHS 8-2013(Temp), f. 8-8-13, cert. ef. 8-9-13 thru 2-5-14

309-022-0160 ~~Program~~ ITS: Program-Specific Requirements

~~The following programs must comply with the requirements specified hereunder, in addition to the general requirements for all ITS providers set forth in OAR 309-022-0150 and 0155, the facilities and programs shall meet the following requirements:~~

(1) Psychiatric Residential Treatment Facilities (~~PRTF~~;PRTFs).

(a) Children shall either have or be screened for an Individual Education Plan, Personal Education Plan, or an Individual Family Service Plan~~.~~

(b) PRTFs shall maintain one or more linkages with acute care hospitals or CCOs to coordinate necessary inpatient care~~.~~

(c) Psychiatric residential clinical care and treatment shall be under the direction of a psychiatrist and delivered by an interdisciplinary team of board-certified or board-eligible child and adolescent psychiatrists, registered nurses, psychologists, other qualified mental health professionals, and other relevant program staff. A psychiatrist shall be available to the unit 24~~-~~ hours per day, seven days per week~~, and.~~

(d) The program shall provide all medically appropriate psychiatric services necessary to meet the child's psychiatric care needs.

(e) PRTFs shall maintain the following clinical staffing ratios:

(A) Day and evening shifts: At least one program staff member for every three children. At least one out of every three program staff members shall be a QMHP or QMHA.

~~(d) PRTFs shall be staffed at a clinical staffing ratio of not less than one program staff for three children during the day and evening shifts at all times. At least one program staff for every three program staff members during the day and evening shifts shall be a QMHP or QMHA. For overnight program staff there shall be a staffing ratio of at-~~ (B) Overnight shifts: At least one program staff member for every six children at all times for each program unit. At least one of the overnight program staff shall be a QMHA. For units that by this ratio have only one overnight program staff, there shall be additional program staff immediately available within the facility or on the premises.

(f) At least one QMHP shall be on site or on call at all times. At least one program staff member with designated clinical leadership responsibilities shall be on site at all times.

~~(2) Programs providing PRTS shall meet the requirements for PRTF's listed in section (1)(a).~~

~~(2)~~ (2) Programs providing SCIP and SAIP services shall meet the requirements for PRTFs listed in section (1). They shall also establish policies and practices to meet the following:

(a) The staffing model shall allow for the child's frequent contact with the child psychiatrist. Each child shall meet with a child psychiatrist a minimum of one hour per week~~.~~

(b) Psychiatric nursing staff shall be provided in the program 24 hours per day~~.~~

(c) A psychologist, psychiatric social worker, rehabilitation therapist, and psychologist with documented training in forensic evaluations shall be available 24 hours per day, as appropriate; and

(d) Program staff with specialized training in SCIP or SAIP shall be available 24 hours per day;

~~(e) The program shall provide all medically appropriate psychiatric services necessary to meet the child's psychiatric care needs;~~

~~(f)~~(e) The program shall provide secure psychiatric treatment services in a manner that ensures public safety to youth who are under the care and custody of the Oregon Youth Authority, court-ordered for psychiatric evaluation, or admitted by the authority of the JPSRB; and

~~(f)~~ The program may not rely on external entities such as law enforcement or acute hospital care to assist in the management of the SCIP or SAIP setting.

~~(4)~~(3) In addition to the services provided as indicated by the assessment and specified in the service plan, Sub-Acute Psychiatric Care providers shall:

(a) Provide psychiatric nursing staffing at least 16 hours per day;

(b) Provide nursing supervision and monitoring and psychiatric supervision at least once per week; and

(c) Work actively with the child and family team and multi-disciplinary community partners to plan for the long-term emotional, behavioral, physical, and social needs of the child to be met in the most integrated setting in the community.

~~(5)~~(4) Residential Adolescent Substance Use Disorders Treatment and Recovery Services Programs approved to provide adolescent substance use disorders treatment services or those with adolescent-designated service funding shall meet the following standards:

(a) Development of service plans, and case management services shall include participation of parents, other family members, schools, children's services agencies, and juvenile corrections, as appropriate;

(b) Services or appropriate referrals shall include:

(A) Family counseling;

(B) Education services;

(C) Community and social skills training; and

(D) Smoking cessation service.

(c) Continuing care services shall be of appropriate duration and designed to maximize recovery opportunities. The services shall include:

(A) Reintegration services and coordination with family and schools;

(B) Youth ~~dominated~~ directed self-help groups with a majority of participants being youth, where available;

(C) Linkage to emancipation services when appropriate; and

(D) Linkage to physical-, emotional, financial, or sexual abuse counseling and support services when appropriate.

~~(6)~~(5) Psychiatric Day Treatment Services (PDTS):

(a) PDTS shall be provided to children who remain at home with a parent, guardian, or foster parent by ~~qualified mental health professionals and qualified mental health associates~~ QMHPs and QMHAs in consultation with a psychiatrist;

(b) An education program shall be provided, and children shall be screened for an Individual Education Plan, Personal Education Plan, or Individual Family Service Plan; and

(c) Psychiatric Day Treatment programs shall be staffed at a clinical staffing ratio of at least one QMHP or QMHA for every three children.

Statutory/Other Authority: ORS 161.390, 413.042, 430.256, 426.490 - 426.500, 428.205 - 428.270, 430.640 & 443.450

Statutes/Other Implemented: ORS 109.675, 161.390 - 161.400, 179.505, 413.520 - 413.522, 426.380 - 426.395, 426.490 - 426.500, 430.010, 430.205 - 430.210, 430.240 - 430.640, 430.850 - 430.955, 443.400 - 443.460, 443.991 & 743A.168

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MHS 5-2014, f. & cert. ef. 2-3-14

MHS 8-2013(Temp), f. 8-8-13, cert. ef. 8-9-13 thru 2-5-14

309-022-0165 ITS: Behavior Support Services

Behavior support services shall be proactive, recovery-oriented, individualized, and designed to facilitate positive alternatives to challenging behavior, as well as to assist the individual in developing adaptive and functional living skills. All providers shall:

- (1) Develop and implement individual behavior support strategies, ~~based on a functional or other clinically appropriate assessment of~~ the individual's challenging behavior, strengths, and resiliency factors.
- (2) Document the behavior support strategies and measures for tracking progress as a behavior support plan in the service plan.
- (3) Establish a framework that assures individualized positive behavior support practices throughout the program and articulates a rationale consistent with the philosophies supported by the Division, including the Division's Trauma-~~informed~~ Informed Services Policy.
- (4) Obtain informed consent from the parent or guardian, ~~when applicable,~~ in the use of behavior support strategies ~~and communicate.~~ Communicate both verbally and in writing the information to the individual and guardian in a language understood by the individual and in a developmentally appropriate manner.
- (5) Establish outcome-based tracking methods to measure the effectiveness of behavior support strategies in:
 - (a) Reducing or eliminating the use of emergency safety interventions; and
 - (b) Increasing positive behavior.
- (6) Require all program staff to receive annual training in ~~Collaborative Problem Solving, Positive Behavior Support or other Evidence-based Practice~~ collaborative problem solving, positive behavior support, or other evidence-based practice to promote positive behavior support.
- (7) ~~Review~~ Annually review and update behavior support policies, procedures, and practices ~~annually~~.

Statutory/Other Authority: ORS 161.390, 413.042, 430.256, 426.490 - 426.500, 428.205 - 428.270, 430.640 & 443.450

Statutes/Other Implemented: ORS 109.675, 161.390 - 161.400, 179.505, 413.520 - 413.522, 426.380 - 426.395, 426.490 - 426.500, 430.010, 430.205 - 430.210, 430.240 - 430.640, 430.850 - 430.955, 443.400 - 443.460, 443.991 & 743A.168

History:

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MHS 8-2013(Temp), f. 8-8-13, cert. ef. 8-9-13 thru 2-5-14

309-022-0170 ITS: Emergency Safety Interventions

Providers of ITS services shall:

(1) Adopt policies and procedures for emergency safety interventions as part of a crisis prevention and intervention policy. The policy shall be consistent with the provider's trauma-informed services policies and procedures.

(2) Inform the individual and their parent or guardian of the provider's policy regarding the use of personal restraint and seclusion during an emergency safety situation by both furnishing a written copy of the policy and providing an explanation in the individual's primary language that is developmentally appropriate.

(3) Obtain a written acknowledgment from the parent or guardian that they are informed of the provider's policies and procedures regarding the use of personal restraint and seclusion.

(4) Prohibit the use of mechanical restraint and chemical restraint, as those terms are defined in OAR 309-022-0105(39).

(5) Establish an emergency safety interventions committee or designate this function to an already established quality assessment and performance improvement committee. Committee membership shall ~~minimally, at a minimum,~~ include a program staff member with designated clinical leadership responsibilities, the person responsible for staff training in crisis-emergency safety intervention procedures, and other clinical personnel not directly responsible for authorizing the use of emergency safety interventions. The committee shall:

(a) Monitor the use of emergency safety interventions, including by conducting individual and aggregate review of all incidents of personal restraint and seclusion, to assure that individuals are safeguarded and their rights are always protected;

(b) Meet at least monthly ~~and shall report;~~

(c) Report the aggregate number of personal restraints and incidents of seclusion to the Division within 30 days of the end of each calendar quarter;

(d) Report in writing to the provider's quality assessment and performance improvement committee at least quarterly regarding the committee's activities, findings, and recommendations;

~~(e)~~ Analyze emergency safety interventions to determine opportunities to prevent their use, increase the use of alternatives, improve the quality of care and safety of individuals receiving services, and recommend whether follow-up action is needed; and

~~(f)~~ Review and update emergency safety intervention policies and procedures annually;

~~(e) Conduct individual and aggregate review of all incidents of personal restraint and seclusion; and~~

~~(f) Report the aggregate number of personal restraints and incidents of seclusion to the Division within 30 days of the end of each calendar quarter.~~

Statutory/Other Authority: ORS 161.390, 413.042, 430.256, 426.490 - 426.500, 428.205 - 428.270, 430.640 & 443.450

Statutes/Other Implemented: ORS 109.675, 161.390 - 161.400, 179.505, 413.520 - 413.522, 426.380 - 426.395, 426.490 - 426.500, 430.010, 430.205 - 430.210, 430.240 - 430.640, 430.850 - 430.955, 443.400 - 443.460 & 443.991

History:

BHS 24-2018, amend filed 12/27/2018, effective 01/25/2019

BHS 16-2018, temporary amend filed 07/17/2018, effective 08/01/2018 through 01/27/2019

MHS 5-2014, f. & cert. ef. 2-3-14

MHS 8-2013(Temp), f. 8-8-13, cert. ef. 8-9-13 thru 2-5-14

309-022-0175 ITS: Restraint and Seclusion

(1) Providers shall meet the following general conditions of ~~personal~~ restraint and seclusion:

(a) Personal restraint and seclusion shall be used only in an emergency safety situation to prevent immediate injury to an individual who is in danger of physically harming himself or herself or others ~~in situations~~, such as the occurrence of or serious threat of violence, personal injury, or attempted suicide;

(b) Any use of personal restraint or seclusion shall respect the dignity and civil rights of the individual;

(c) The use of personal restraint or seclusion shall be directly related to the immediate risk related to the behavior of the individual and may not be used as punishment, discipline, or for ~~the staff convenience of staff~~;

(d) Personal restraint or seclusion shall be used only for the length of time necessary for the individual to resume self-control and prevent harm to the individual or others, even if the order for seclusion or personal restraint has not expired, and shall under no circumstances exceed four hours for individuals ages 18 to 21, two hours for individuals ages 9 to 17, or one hour for individuals under age 9;

(e) An order for personal restraint or seclusion may not be written as a standing order or on an ~~as-needed~~ basis;

(f) Providers may not:

(f) Personal (A) Use personal restraint and seclusion ~~may not be used simultaneously; simultaneously~~ with respect to a single individual;

(B) Use mechanical or chemical restraints, as those terms are defined in OAR 309-022-0105(39).

(g) Providers shall notify the individual's parent or guardian of any incident of seclusion or personal restraint as soon as possible;

(h) Required evaluation of individual cases.

(A) The evaluation obligations in this section (1)(h) apply whenever:

(h) If (i) An individual experiences five incidents of personal restraint or seclusion used within a five-day period; or

(ii) An individual experiences a single episode of seclusion or restraint lasting one hour or more.

~~with an individual cumulatively exceed five interventions over a period of five days or a single episode of one hour within 24 hours~~(B) If an evaluation obligation is triggered, the psychiatrist or designee shall, within 24 hours, convene ~~by phone or in person~~ program staff with designated clinical leadership responsibilities ~~to, whether by telephone or face to face.~~ The group shall:

~~(A)(i)~~ Discuss ~~the each~~ emergency safety situation that required ~~the~~ intervention, including the precipitating factors that led up to the intervention and any alternative strategies that might have prevented the use of the personal restraint or seclusion;

~~(B)(ii)~~ Discuss the procedures, if any, to be implemented to prevent any recurrence of the use of personal restraint or seclusion;

~~(C)(iii)~~ Discuss the outcome of the intervention including any injuries that may have resulted; and

~~(D)(iv)~~ Review and update the individual's service plan making the record as necessary ~~revisions and documenting to document~~ the discussion and any resulting changes to the individual's service plan ~~in the service record~~.

(2) Personal Restraint:

(a) Each personal restraint shall require an immediate documented order by a physician, licensed health care practitioner, or a licensed CESIS;

~~(b)~~ The written order shall include:

(A) Name of the individual practitioner authorized to order the personal restraint;

(B) Date and time the order was obtained; and

(C) Length of time for which the intervention was authorized.

~~(e)(b)~~ Each personal restraint shall be conducted by program staff that completed ~~and used~~ Division-approved crisis intervention training. ~~If in the event of an emergency,~~ safety training. ~~If~~ a non-Division ~~approved crisis intervention technique~~ approved emergency safety technique is used, the provider's on-call administrator shall review immediately the intervention and document the review in an incident report to be provided to the Division within 24 hours; ~~;~~

~~(d)(c)~~ At least one program staff trained in the use of emergency safety interventions shall be physically present, continually assessing and monitoring the physical and psychological well-being of the individual and the safe use of the personal restraint throughout the duration of the personal restraint;

~~(e)(d)~~ Within one hour of the initiation of a personal restraint, a psychiatrist, licensed practitioner, or CESIS shall conduct a face-to-face assessment of the individual's physical and psychological well-being ~~of the individual;~~ ~~;~~

~~(f)(e)~~ A designated program staff member with clinical leadership responsibilities shall review all personal restraint documentation prior to the end of the shift in which the intervention occurred; ~~and;~~

~~(g)(f)~~ Each incident of personal restraint shall be documented in the service record. The documentation shall specify:

(A) ~~Behavior~~ The behavior support strategies and less-~~;~~ restrictive interventions attempted prior to the personal restraint;

(B) The required authorization for personal restraint, pursuant to section (2)(a);

(C) The events precipitating the personal restraint;

~~(B) Required authorization;~~

~~(C) Events precipitating the personal restraint;~~

(D) ~~Length~~The length of time the personal restraint was used;

(E) ~~Assessment~~An assessment of appropriateness of the personal restraint based on threat of harm to self or others;

(F) ~~Assessment of~~ An assessment of any physical injury the individual suffered; and

(G) The individual's response to the emergency safety intervention.

~~(3) Providers shall be certified by the Division for the use of seclusion;~~

(3) Procedures for seclusion.

(a) Seclusion may be employed only in programs and facilities that have been certified pursuant to the procedures in section (4). Individuals may be secluded only in rooms that meet the requirements of section (5).

~~(a)(b)~~ Authorization for seclusion shall be obtained by a psychiatrist, licensed practitioner, or CESIS prior to or immediately after the initiation of seclusion. Written orders for seclusion shall be completed for each instance of seclusion and shall include:

(A) Name of the individual authorized to order seclusion;

(B) Date and time the order was obtained; and

(C) Length of time for which the intervention was authorized.

~~(b)(c)~~ Program staff trained in the use of emergency safety interventions shall be physically present continually assessing and monitoring the physical and psychological well-being of the individual throughout the duration of the seclusion;

~~(c)(d)~~ Visual monitoring of the individual in seclusion shall occur continuously and be documented at least every fifteen minutes or more often as clinically indicated;

~~(d)(e)~~ Within one hour of the initiation of seclusion, a psychiatrist or CESIS shall conduct a face-to-face assessment of the individual's physical and psychological well-being ~~of the individual~~;

~~(e)(f)~~ The individual shall have regular meals, bathing, and use of the bathroom during seclusion, and the provision of these shall be documented in the service record; ~~and~~

~~(f)(g)~~ Each incident of seclusion shall be documented in the service record. The documentation shall specify:

(A) The behavior support strategies and less-restrictive interventions attempted prior to the use of seclusion;

(B) The required authorization for the use of seclusion, pursuant to section (3)(b);

(C) The events precipitating the use of seclusion;

(D) The length of time seclusion was used;

(E) An assessment of the appropriateness of seclusion based on threat of harm to self or others;

(F) An assessment of physical injury to the individual, if any, caused by the seclusion; and

(G) The individual's response to the emergency safety intervention.

~~(4) Any room specifically designated for the use of seclusion or time out shall be approved by the Division. If the use of seclusion occurs in a room with a locking door, the program shall be authorized by the Division for this purpose and shall meet the following requirements:~~

~~(4) Certification of programs, facilities, and rooms for purposes of seclusion.~~

(a) A facility or program seeking authorization or reauthorization for the use of seclusion shall submit a written application to the Division; The application shall include:

~~(b) The application shall include a~~ (A) A comprehensive plan for the need and use of seclusion of children in the program ~~and copies;~~

(B) A list of rooms that will be used for seclusion, each of which must meet the requirements in section (5); and

(C) Copies of the facility's policies and procedures for the utilization and monitoring of seclusion, including with respect to:

(i) Physical space;

(ii) Staff training and authorization;

(iii) Record keeping; and

(iv) Quality assessment practices.

(C) For previously certified facilities seeking renewal, a statistical analysis of the facility's actual use of seclusion, physical space, staff training, staff authorization, record keeping, and quality assessment practices; in accordance with such standards as the Division may specify.

~~(b)~~ The Division shall review the application and, after a determination that the written application is complete and satisfies all applicable requirements, shall provide for a review of the facility by authorized Division staff.

~~(c)~~ ~~The~~ During this review, the Division shall have access to all records including service records, and professional credentials and training records for all program staff; the physical plant of the facility, the employees of the facility, the professional credentials and training records for all program staff, and; and facility employees. The Division shall have the opportunity to fully observe the treatment and seclusion practices employed by the facility.

~~(d)~~ After the review, the chief officer shall approve or disapprove the facility's application and upon approval shall certify.

~~(A)~~ If approved, the facility shall be certified based on the Authority's determination of the facility's compliance with all applicable requirements for the seclusion of children.

~~(B)~~ If disapproved, the facility shall be provided with specific recommendations and have the right of appeal to the Division; and.

~~(e)~~ Certification of a facility shall be effective for a maximum of three years and may be renewed thereafter upon Division approval of a renewal application.

(5) An ITS provider seeking certification shall have available at least one room that meets the following specifications and structural and physical requirements for seclusion:

(a) The room shall be of adequate size to permit three adults to move freely and allow for one adult to lie down. Any newly constructed room shall be no less than 64 square feet.

(b) The room may not be located such that it is isolated from regular program staff of the facility; and.

(c) The room shall be equipped with adequate locking devices on all doors and windows.

~~(d)~~ The door shall open outward and contain a port of shatterproof glass or plastic through which the entire room may be viewed from outside.

~~(e)~~ The room shall contain no protruding, exposed, or sharp objects.

~~(f)~~ The room shall contain no furniture. A fireproof mattress or mat shall be available for comfort.

~~(g)~~ Any windows shall be made of unbreakable or shatterproof glass or plastic. Non-shatterproof glass shall be protected by adequate climb-proof screening.

~~(h)~~ There may be no exposed pipes or electrical wiring in the room. Electrical outlets shall be permanently capped or covered with a metal shield secured by tamper-proof screws. Ceiling and wall lights shall be recessed and covered with safety-shatterproof glass or unbreakable plastic. Any cover, cap, or shield shall be secured by tamper-proof screws.

~~(i)~~ The room shall meet State Fire Marshal fire, safety, and health standards.

(A) If sprinklers are installed, they shall be recessed and covered with fine mesh screening. If pop-down type, sprinklers shall have breakaway strength of under 80 pounds.

~~In lieu of sprinklers, combined~~ (B) Combined smoke and heat detectors ~~shall~~ may be used in lieu of sprinklers with similar protective design or installation.

~~(j)~~ (j) The room shall be ventilated, and shall be kept at a temperature no less than 64°F and no more than 85°F. Heating and cooling vents shall be secure and out of reach.

~~(k)~~ (k) The room shall be designed and equipped in a manner that would not allow a child to climb off the floor.

~~(l)~~ (l) Walls, floor, and ceiling shall be solidly and smoothly constructed to be cleaned easily and have no rough or jagged portions; ~~and~~.

~~(m)~~ ~~Adequate and~~ Access to safe bathrooms shall be available upon request, subject to a qualified program staff member determining that bathroom access does not pose an immediate health or safety concern.

Statutory/Other Authority: ORS 161.390, 413.042, 430.256, 426.490 - 426.500, 428.205 - 28.270, 430.640 & 443.450

Statutes/Other Implemented: ORS 109.675, 161.390 - 161.400, 179.505, 413.520 - 413.522, 426.380 - 426.395, 426.490 - 426.500, 430.010, 430.205 - 430.210, 430.240 - 430.640, 430.850 - 430.955, 443.400 - 443.460, 443.991 & 743A.168

History:

BHS 24-2018, amend filed 12/27/2018, effective 01/25/2019

BHS 16-2018, temporary amend filed 07/17/2018, effective 08/01/2018 through 01/27/2019

MHS 7-2017, f. & cert. ef. 6-23-17

MHS 27-2016(Temp), f. & cert. ef. 12-29-16 thru 6-26-17

MHS 21-2016, f. & cert. ef. 12-1-16

MHS 9-2016(Temp), f. 6-28-16, cert. ef. 7-1-16 thru 12-27-16

MHS 5-2014, f. & cert. ef. 2-3-14

MHS 8-2013(Temp), f. 8-8-13, cert. ef. 8-9-13 thru 2-5-14

309-022-0180 ITS: Transfer and Continuity of Care

(1) Providers shall meet the following requirements for planned ~~transfer~~transfers:

~~(a) Decisions to transfer individuals shall be documented in a transfer summary. The documentation shall include the reason for the transfer;~~

~~(b)~~(a) Planned transfers shall be consistent with the transfer criteria established by the interdisciplinary team ~~and, as~~ documented in the service plan;

~~(c)~~(b) Providers may not transfer services unless the interdisciplinary team, in consultation with the child's parent or guardian, and the next provider agree that the child requires a more or less restrictive level of care; ~~and,~~

~~(d)~~(c) If the determination is made to admit the child to acute care, the provider may not transfer services during the acute care stay unless the interdisciplinary team, in consultation with the child's parent or guardian, and the next provider agree that the child requires a more or less restrictive level of care following the acute care stay.

(2) Prior to transfer ~~providers,~~ the transferring provider shall:

(a) Coordinate and provide appropriate referrals for medical care and medication management. The transferring provider shall assist the individual to identify the medical provider who provides continuing care and arrange an initial appointment with that provider;

(b) Coordinate recovery and ongoing support services for individuals and their families including identifying resources and facilitating linkage to other service systems necessary to sustain recovery including peer delivered services; ~~and supports.~~

(c) Offer a referral for Wraparound services and supports to eligible individuals.

(A) Eligible individuals include Medicaid-eligible children in:

(i) Psychiatric residential treatment;

(ii) The Secure Children's Inpatient Program; and

(iii) The Secure Adolescent Inpatient Program.

(B) With consent from the individual and the parent or guardian, the provider shall refer the individual to a Wraparound Care Coordinator within 14 days of transfer.

~~(d)~~(d) Complete a transfer summary; in accordance with section (3), below.

~~(d) When services are transferred due to the absence of the individual, the provider shall document outreach efforts made to re-engage the individual or document the reason why such efforts were not made;~~

~~(e) If the individual is under the jurisdiction of the PSRB or JPSRB, the provider shall notify the PSRB or JPSRB immediately and provide a copy of the transfer summary within 30 days;~~

~~(f) The provider shall report all instances of transfer (e) Report all transfers on the mandated state data system; and.~~

~~(g) At a minimum, Ensure that the provider's interdisciplinary team ~~shall~~ takes the following steps:~~

~~(A) Integrate transfer planning into ongoing treatment planning and documentation from the time of entry and specify the transfer criteria that shall indicate resolution of the symptoms and behaviors that justified the entry;~~

~~(B) Review and, if needed, modify the transfer criteria in the service plan every 30 days;~~

~~(C) Notify the child's parent or guardian and the provider to which the child shall be transitioned of the anticipated transfer dates at the time of entry and when the service plan is changed;~~

~~(D) Include the parent or guardian peer support when requested by the parent or guardian and provider to which the child shall be transitioned in transfer planning and reflect their needs and desires to the extent clinically indicated;~~

~~(E)(A) Finalize the transition plan prior to transfer ~~and identify~~. Identify in the plan the continuum of services and the type and frequency of follow-up contacts recommended by the provider to assist in the child's successful transition to the next appropriate level of care;.~~

~~(F)(B) Assure that appropriate medical care and medication management shall be provided to individuals who leave through a planned transfer. The last service provider's interdisciplinary team shall identify the medical personnel who provides continuing care and shall arrange an initial appointment with that provider;.~~

~~(G) Coordinate appropriate education services with applicable school district personnel; and.~~

~~(H) Give a written transition plan to the child's parent or guardian and the next provider if applicable on the date of transfer.~~

(3) Transfer summary. A transfer summary shall include the following:

(a) The date and reason for the transfer;

(b) A summary statement that describes the effectiveness of services received in assisting the individual and their family to achieve intended outcomes identified in the service plan;

(c) Where appropriate, a plan for personal wellness and resilience, including relapse prevention safety and suicide prevention planning; and

(d) Identification of resources to assist the individual and family including peer delivered services, if applicable, in accessing recovery and resiliency services and supports;.

(e) When services are transferred due to the absence of the individual, the provider shall document outreach efforts made to re-engage the individual or document the reason why such efforts were not made.

(4) Notification of transfer and exchange of transfer documentation.

(a) On the date of transfer the provider's interdisciplinary team shall provide a copy of the transition plan to the individual's parent or guardian and to the next provider, if applicable.

individual's

~~(e)(b)~~ If the transfer is to services with another provider, ~~all~~:

(A) The provider's interdisciplinary team shall provide a copy of the transition plan to the next provider on the date of transfer.

(B) If the receiving provider requests any documentation contained in the service record requested by the receiving, the transferring provider shall be furnished furnish that documentation, compliant with applicable confidentiality policies and procedures, within 14 days of receipt of a receiving the written request for the documentation.

~~(f)(C)~~ A complete transfer summary shall be sent to the receiving provider within 30 days of the transfer.

(c) If the individual is under the jurisdiction of the PSRB or JPSRB, the provider shall notify the PSRB or JPSRB immediately upon transfer, and shall provide a copy of the transfer summary within 30 days of the transfer.

(d) If the individual has been assigned an intensive care coordinator (ICC) through a CCO, the provider must notify the ICC when the individual has a transfer date assigned, or when the assigned transfer date is changed.

Statutory/Other Authority: ORS 161.390, 413.042, 430.256, 426.490 - 426.500, 428.205 - 428.270, 430.640 & 443.45

Statutes/Other Implemented: ORS 109.675, 161.390 - 161.400, 179.505, 413.520 - 413.522, 426.380 - 426.395, 426.490 - 426.500, 430.010, 430.205 - 430.210, 430.240 - 430.640, 430.850 - 430.955, 443.400 - 443.460, 443.991 & 743A.168

History:

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MHS 5-2014, f. & cert. ef. 2-3-14

MHS 8-2013(Temp), f. 8-8-13, cert. ef. 8-9-13 thru 2-5-14

309-022-0185 ITS: Quality Assessment and Performance Improvement

(1) Each provider shall develop and implement a structured and ongoing process to assess, monitor, and improve the quality and effectiveness of services provided to individuals and their families, including:

(a) A quality improvement committee; and

(b) A performance improvement process documented in a performance improvement plan.

(2) The quality improvement committee shall include representatives of individuals served and their families and shall meet at least quarterly to:

(a) Identify and assess the following indicators of quality:

(A) Access to services;

(B) Outcomes of services;

(C) Systems integration and coordination of services; and

(D) Utilization of services.

(b) Review incident reports, emergency safety intervention documentation, grievances, and other documentation as applicable;

(c) Identify measurable and time-specific performance objectives and strategies to meet the objectives and measure progress;

(d) Recommend policy and operational changes necessary to achieve performance objectives; and

(e) Reassess and, if necessary, revise objectives and methods to measure performance on an ongoing basis ~~to~~ and ensure sustainability of improvements.

~~(a) Performance objectives aimed at improving services; and~~

~~(b) Strategies designed to meet:~~

(3) The quality assessment and performance improvement process shall be documented in a performance improvement plan ~~that,~~ which shall include the performance objectives, strategies, and measure progress metrics identified by the quality improvement committee.

Statutory/Other Authority: ORS 161.390, 413.042, 430.256, 426.490 - 426.500, 428.205 - 428.270, 430.640 & 443.450

Statutes/Other Implemented: ORS 109.675, 161.390 - 161.400, 179.505, 413.520 - 413.522, 426.380 - 426.395, 426.490 - 426.500, 430.010, 430.205 - 430.210, 430.240 - 430.640, 430.850 - 430.955, 443.400 - 443.460, 443.991 & 743A.168

History:

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BHS 16-2018, temporary amend filed 07/17/2018, effective 08/01/2018 through 01/27/2019

MHS 5-2014, f. & cert. ef. 2-3-14

MHS 8-2013(Temp), f. 8-8-13, cert. ef. 8-9-13 thru 2-5-14

309-022-0190 ITS: Grievances and Appeals

(1) Any individual receiving services, or the parent or guardian of the individual, may file a grievance with the provider, the individual's Medicaid managed care plan, or the Division. For purposes of this rule, a "grievance" means a formal complaint submitted to a provider, whether verbally or in writing, by an individual or the individual's chosen representative, pertaining to the denial or delivery of services and supports.

(2) Individuals whose services are funded by Medicaid shall file grievances and appeals shall adhere to in accordance with the procedures set forth in OAR 410-141-0260-410-141-3230 through 410-141-0266-410-141-3255.

~~(3) For individuals whose services are not funded by Medicaid, providers shall:~~

~~(a) Notify each individual or guardian of the grievance procedures by reviewing a written copy of the policy upon entry;~~

~~(b) Assist individuals and parents or guardians, as applicable, to understand and complete the grievance process and notify them of the results and basis for the decision;~~

~~(c) Encourage and facilitate resolution of the grievance at the lowest possible level;~~

~~(d) Complete an investigation of any grievance within 30 calendar days;~~

~~(e) Implement a procedure for accepting, processing, and responding to grievances including specific timelines for each;~~

~~(f) Designate a program staff person to receive and process the grievance;~~

~~(g) Document any action taken on a substantiated grievance within a timely manner; and~~

~~(h) Document receipt, investigation, and action taken in response to the grievance.~~

~~(4)~~(3) The provider shall have a grievance process notice that shall be posted in a conspicuous place stating the telephone number of: comply with the requirements in OAR 309-018-0210 with respect to its grievance and appeals process.

~~(a) The Division;~~

~~(b) The CMHP;~~

~~(c) Disability Rights Oregon; and~~

~~(d) The applicable managed care organization.~~

~~(5) When the matter of the grievance is likely to cause harm to the individual before the grievance procedures are completed, the individual or individual's guardian may request an expedited review. The~~

~~program administrator shall review and respond in writing to the grievance within 48 hours of receipt of the grievance. The written response shall include information about the appeal process.~~

~~(6) A grievant, witness, or staff member of a provider may not be subject to retaliation by a provider for making a report or being interviewed about a grievance or being a witness. Retaliation may include but is not limited to dismissal or harassment; reduction in services, wages, or benefits; or basing service or a performance review on the action.~~

~~(7) The grievant is immune from any civil or criminal liability with respect to the making or content of a grievance made in good faith.~~

~~(8) Individuals and their legal guardians shall have the right to appeal entry, transfer, and grievance decisions as follows:~~

~~(a) If the individual or guardian is not satisfied with the decision, the individual or guardian may file an appeal in writing within ten working days of the date of the program administrator's response to the grievance or notification of denial for services. The appeal shall be submitted to the CMHP Director in the county where the provider is located or to the Division;~~

~~(b) If requested, program staff shall be available to assist the individual;~~

~~(c) The CMHP Director or Division, shall provide a written response within ten working days of the receipt of the appeal; and~~

~~(d) If the individual or guardian is not satisfied with the appeal decision, they may file a second appeal in writing within ten working days of the date of the written response to the Director.~~

Statutory/Other Authority: ORS 161.390, 413.042, 430.256, 426.490 - 426.500, 428.205 - 428.270, 430.640 & 443.450

Statutes/Other Implemented: ORS 109.675, 161.390 - 161.400, 179.505, 413.520 - 413.522, 426.380 - 426.395, 426.490 - 426.500, 430.010, 430.205 - 430.210, 430.240 - 430.640, 430.850 - 430.955, 443.400 - 443.460, 443.991 & 743A.168

History:

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BHS 16-2018, temporary amend filed 07/17/2018, effective 08/01/2018 through 01/27/2019

MHS 5-2014, f. & cert. ef. 2-3-14

MHS 8-2013(Temp), f. 8-8-13, cert. ef. 8-9-13 thru 2-5-14

309-022-0192 [ITS](#): Variance

~~(1)~~ Requirements and standards for requesting and granting variances or exceptions are found in OAR 309-008-1600 [for ITS providers](#) and OAR 415-012-0090 [for IPSR providers](#).

(2) Granting a variance ~~under either of these procedures for one request~~ does not set a precedent that must be followed by the Division when evaluating subsequent requests for variance.

Statutory/Other Authority: ORS 161.390, 413.042, 430.256, 428.205 - 428.270 & 430.640

Statutes/Other Implemented: ORS 109.675, 161.390 - 161.400, 179.505, 413.520 - 413.522, 430.010, 430.205 - 430.210, 430.240 - 430.640, 430.850 - 430.955, 461.549 & 743A.168

History:

BHS 24-2018, amend filed 12/27/2018, effective 01/25/2019

BHS 16-2018, temporary amend filed 07/17/2018, effective 08/01/2018 through 01/27/2019

MHS 7-2017, f. & cert. ef. 6-23-17

MHS 27-2016(Temp), f. & cert. ef. 12-29-16 thru 6-26-17

309-022-0195 Integrated Psychiatric Residential Treatment Facility and Residential Substance Use Disorders Treatment Program

(1) Entities providing or seeking to operate a child and adolescent Integrated Psychiatric Residential Treatment Facility and Residential Substance Use Disorders Treatment Program (IPSR) shall:

(a) Meet all requirements for ITS providers in OAR 309-022-0100 through 309-022-0192;

(b) Meet all requirements for residential substance use disorder treatment programs in OAR 309-018-0100 through 309-018-0215, except for the prohibition on seclusion and restraint under OAR 309-018-0110(4)(b) and 309-018-0115(1)(m); and

(c) Comply with the requirements of this OAR chapter 309, division 22 with respect to seclusion and restraint.

(2) Licensure.

(a) Entities shall comply with OAR chapter 415, division 012 with respect to the IPSR/Integrated license and applications therefor.

(b) Entities duly licensed as IPSR providers in accordance with this OAR 309-022-0195 need not obtain a separate licensure as a residential substance use disorder treatment program in accordance with OAR chapter 309, division 018.

~~309-022-0195 Licensure as a Children's Emergency Safety Intervention Specialist (CESIS)~~

~~To obtain a license as a CESIS, an agency that is certified by the Division to provide intensive mental health treatment services for individuals less than 21 years of age shall make an application on behalf of the licensure applicant. The Division shall issue a license as a CESIS to each applicant who furnishes satisfactory evidence to the Division that the applicant meets the following qualifications:~~

- ~~(1) Is employed by or providing services under contract with a provider that is certified by the Division to provide intensive mental health treatment services for individuals under 21 years of age;~~
- ~~(2) Meets qualifications established by the Division by rule for Qualified Mental Health Professionals;~~
- ~~(3) Has successfully completed an emergency safety intervention training program approved by the Division within the past 12 months;~~
- ~~(4) Demonstrates the ability to assess the psychological and physical well-being of individuals less than 21 years of age;~~
- ~~(5) Demonstrates knowledge of federal and state rules governing the use of seclusion and personal restraint in intensive mental health treatment programs for individuals under 21 years of age.~~

~~Statutory/Other Authority: ORS 413.042 & 426.415~~

~~Statutes/Other Implemented: ORS 426.415~~

~~History:~~

~~Reverted to MHS 5-2014, f. & cert. ef. 2-3-14~~

~~MHS 27-2016(Temp), f. & cert. ef. 12-29-16 thru 6-26-17~~

~~MHS 5-2014, f. & cert. ef. 2-3-14~~

~~MHS 8-2013(Temp), f. 8-8-13, cert. ef. 8-9-13 thru 2-5-14~~

309-022-0200 CESIS: Scope of Licensure

(1) A licensed [Children's Emergency Safety Intervention Specialist \(CESIS\)](#) is authorized to:

(a) ~~Order~~[If the treatment team physician is not available, order](#) the least restrictive intervention, including seclusion and personal restraint, that is ~~most~~[most](#) likely to be effective in resolving an emergency safety situation ~~if the treatment team physician is not available;~~

(b) Provide the federally mandated face-to-face assessment of an individual under 21 years of age's well-being within one hour of the initiation of the emergency safety intervention; and

(c) ~~Accept verbal~~[Implement](#) orders for seclusion and personal restraint [received verbally](#) from a physician or licensed practitioner who is authorized to order seclusion and personal restraint.

~~(2) Exclusions to Licensure:~~

~~(2) Limitations.~~

(a) A ~~licensed~~ CESIS is not authorized to order or ~~receive orders for the use of~~[implement](#) mechanical or chemical ~~restraint~~[restraints](#).

(b) A CESIS license is only valid ~~while with respect to~~ the licensee ~~is employed's employment~~ or contracted ~~to provide~~ services with the intensive mental health treatment services program that submitted the application on behalf of the licensee, [as described in OAR 309-022-0205. An individual who seeks to offer CESIS services to multiple providers must secure a separate CESIS license with respect to each provider.](#)

Statutory/Other Authority: ORS 413.042 & 426.415

Statutes/Other Implemented: ORS 426.415

History:

Reverted to MHS 5-2014, f. & cert. ef. 2-3-14

MHS 27-2016(Temp), f. & cert. ef. 12-29-16 thru 6-26-17

MHS 5-2014, f. & cert. ef. 2-3-14

MHS 8-2013(Temp), f. 8-8-13, cert. ef. 8-9-13 thru 2-5-14

309-022-0205 CESIS- License Applications

(1) Application for licensure as a CESIS shall be made to the Division and be on forms prescribed by the Division.

(2) Application for licensure shall be accompanied by a formal written request from a provider ([the “sponsoring provider”](#)) that is certified by the Division to provide intensive mental health treatment services for individuals under 21 years of age with which the applicant is employed or contracted. The request must include:

(a) Official transcripts and supporting documentation as necessary showing the applicant meets [the](#) qualifications ~~established by rule~~ for a QMHP;

(b) Verification that ~~an~~ [the applicant has successfully completed a Division-approved](#) emergency safety intervention course ~~approved by the Division has been successfully completed~~ within the past 12 months;

(c) Verification of certification in CPR and First Aid by a recognized training agency;

~~(d) A signed Background Check Request form as described in OAR chapter 943 division 007. The Criminal Record Check form will request information regarding criminal history and other information;~~

[\(d\) A signed request form for a criminal records check or background check, as required under OAR chapter 407, division 007;](#)

(e) Verification of:

[\(A\) The applicant’s](#) employment or contracted services with ~~a provider that is certified by the Division to provide intensive mental health treatment services for individuals under 21 years of age;~~[the sponsoring provider; and](#)

[\(B\) The sponsoring provider’s status as a certified intensive treatment services provider or integrated psychiatric residential treatment facility and residential substance use disorders treatment program, in accordance with this OAR chapter 309, division 022; and](#)

(f) A copy of the [examinations or evaluations](#) completed ~~examination or evaluation within the last year that~~ the provider used to determine ~~the~~;

[\(A\) The](#) applicant’s competence to assess the psychological and physical well-being of individuals under 21 years of age; and

~~(g) A copy of the completed examination or evaluation the provider used to determine the applicants~~[The applicant’s](#) knowledge of the federal and state rules governing the use of seclusion and personal restraint in intensive mental health treatment programs for individuals less than 21 years of age.

Statutory/Other Authority: ORS 413.042 & 426.415

Statutes/Other Implemented: ORS 426.415

History:

Reverted to MHS 21-2016, f. & cert. ef. 12-1-16

MHS 27-2016(Temp), f. & cert. ef. 12-29-16 thru 6-26-17
MHS 21-2016, f. & cert. ef. 12-1-16
MHS 9-2016(Temp), f. 6-28-16, cert. ef. 7-1-16 thru 12-27-16
MHS 5-2014, f. & cert. ef. 2-3-14
MHS 8-2013(Temp), f. 8-8-13, cert. ef. 8-9-13 thru 2-5-14

309-022-0210 CESIS: Issuance of a License

(1) The Division shall issue a license within 30 days of the submission of ~~a completed application~~ an application that successfully establishes all elements required under OAR 309-022-0205, unless there exists a basis for denial pursuant to OAR 309-022-0225.

(2) The license shall state the name of the licensee, the name of the sponsoring provider, and the license expiration date.

(23) The sponsoring provider shall include the license ~~shall be placed~~ in the licensee's personnel file ~~and be easily visible.~~ The license shall be displayed conspicuously in the CESIS's office or elsewhere on the program site.

~~(3) An initial license is valid from the time of issuance until the expiration date, which will be September 30th of the following calendar year.~~

Statutory/Other Authority: ORS 413.042 & 426.415

Statutes/Other Implemented: ORS 426.415

History:

Reverted to MHS 5-2014, f. & cert. ef. 2-3-14

MHS 27-2016(Temp), f. & cert. ef. 12-29-16 thru 6-26-17

MHS 5-2014, f. & cert. ef. 2-3-14

MHS 8-2013(Temp), f. 8-8-13, cert. ef. 8-9-13 thru 2-5-14

~~309-022-0215 Renewal and~~ 309-022-0215 CESIS: Expiration and Renewal of License

(1) A CESIS license ~~issued under these rules is subject to renewal every~~ is valid for up to 2 years.

(a) All CESIS licenses ~~will~~ expire on September 30th of the applicable expiration year.

~~(A) If the license is issued before~~ September 30th. The issuance date of the licensee's first license will determine if, the license expires on an odd or even September 30th of the following year.

~~(B) If the license is issued on or after~~ September 30th, the license expires on September 30th of the year after next.

(b) At least 30 days prior to the expiration of a license, a reminder notice will be sent by the Division to both the licensee and the ~~provider.~~ sponsoring provider.

~~(2) A CESIS license expires immediately upon discontinuation of the CESIS's employment or contract with the sponsoring provider.~~

~~(3) A licensee may not practice as a CESIS after expiration of the CESIS license.~~

~~(4) To renew a CESIS license, the sponsoring provider must submit, at least 30 days prior to the expiration of the current license:~~

~~(c) A licensee seeking renewal of a license shall have a provider with whom they are employed or contracted submit on their behalf:~~

~~(A) Proof of fulfillment of the following requirements;~~

~~(i)(a) Verification of current certification in CPR and First aid by a recognized training agency;~~

~~(ii)(b) A copy of the evaluation completed within the last year~~ that the provider used to determine:

~~of the applicants.~~ (A) The applicant's competence to assess the psychological and physical well-being of individuals ~~less than~~ under 21 years of age; and

~~(iii)(B) A copy of the evaluation completed within the last year demonstrating the~~ The applicant's knowledge of federal and state rules governing the use of seclusion and personal restraint in intensive mental health treatment services programs for individuals less than 21 years of age.

~~(c) Verification of:~~

~~(B) Proof of~~ (A) The applicant's continued employment or contract with the sponsoring provider; and

~~a facility.~~ (B) The sponsoring provider's status as a provider certified by the Division to provide intensive mental health treatment services for individuals less than 21 years of age, as defined in OAR 309-022-0205(2)(B).

~~(2) A licensee may not continue to practice as a licensed CESIS after expiration of the license.~~

~~(3) A licensee may not continue to practice as a licensed CESIS upon discontinuation of employment or contract with the provider of intensive mental health treatment services specified on the license.~~

~~(4) If the person's previous license has expired, the person must apply and qualify for a new license~~ (5) If a CESIS license expires without being renewed, the formerly licensed individual may apply for a new CESIS license pursuant to OAR 309-0205 in the same manner as a person who has never been licensed.

Statutory/Other Authority: ORS 413.042 & 426.415

Statutes/Other Implemented: ORS 426.415

History:

Reverted to MHS 5-2014, f. & cert. ef. 2-3-14

MHS 27-2016(Temp), f. & cert. ef. 12-29-16 thru 6-26-17

MHS 5-2014, f. & cert. ef. 2-3-14

MHS 8-2013(Temp), f. 8-8-13, cert. ef. 8-9-13 thru 2-5-14

309-022-0220 [CESIS](#): Complaints

- (1) Any person who believes these rules have been violated may file a complaint with the Division.
- (2) The Division shall establish a protocol for investigation of complaints and make that information available to anyone who files a complaint or has a complaint filed against them. Following the Divisions investigation of a complaint, the Division may take action to:
 - (a) Dismiss the complaint;
 - (b) Issue a letter of reprimand;
 - (c) Direct the [Provider-sponsoring provider](#) to draft a plan of correction with the licensee; or
 - (d) Institute disciplinary action.

Statutory/Other Authority: ORS 413.042 & 426.415

Statutes/Other Implemented: ORS 426.415

History:

Reverted to MHS 5-2014, f. & cert. ef. 2-3-14

MHS 27-2016(Temp), f. & cert. ef. 12-29-16 thru 6-26-17

MHS 5-2014, f. & cert. ef. 2-3-14

MHS 8-2013(Temp), f. 8-8-13, cert. ef. 8-9-13 thru 2-5-14

309-022-0225 ~~Denial, Suspension, Revocation or Non-renewal of~~ CESIS: Discipline and License Denial

(1) The Division may deny, suspend, revoke, ~~or~~ or refuse to ~~issue or to~~ renew any CESIS license ~~issued under these rules~~ upon proof that the applicant ~~for licensure or the or~~ licensee:

(a) Has been convicted of one or more crimes ~~described identified~~ in OAR chapter 407, division 007943-007 entitled "Criminal Records Checks".

(b) Is unable to perform the duties of a CESIS by reason of mental illness, physical illness, drug addiction or alcohol abuse;

(c) Has been grossly negligent in the duties of a CESIS;

(d) Has violated one or more ~~of the rules of the~~ Division rules pertaining to ~~the CESIS~~ licensure ~~of a CESIS~~; ~~(e) Has practiced, including by practicing~~ outside the scope of activities for which the licensee has ~~individual~~ training and qualification; or

(f) Has been disciplined by a state licensing board or program in this or any other state for violation of competency or conduct standards.

(2) The Division may reprimand or impose probation on a licensee upon proof of any of the grounds for discipline provided in ~~subsection section (1) of this Section. (3)~~ If the Division elects to place a licensee on probation, the Division may impose any combination of:

(a) Restrictions on the licensee's scope of practice ~~of the licensee~~;

(b) Requirements for specific training;

(c) ~~Supervision~~ Required supervision of the licensee's practice ~~of the licensee~~; or

(d) Other conditions the Division finds necessary for the protection of the public.

Statutory/Other Authority: ORS 413.042 & 426.415

Statutes/Other Implemented: ORS 426.415

History:

Reverted to MHS 5-2014, f. & cert. ef. 2-3-14

MHS 27-2016(Temp), f. & cert. ef. 12-29-16 thru 6-26-17

MHS 5-2014, f. & cert. ef. 2-3-14

MHS 8-2013(Temp), f. 8-8-13, cert. ef. 8-9-13 thru 2-5-14

309-022-0230 [CESIS](#): Appeal Process

(1) An appeal of a denial, suspension, probation or revocation of a license may be requested in writing to the Division from a provider of intensive mental health treatment services for children less than 21 years of age on behalf of their employee or contractor.

(2) The Division's Director or designee shall review all material relating to the ~~denial, suspension, revocation or non-renewal~~ [adverse decision](#), including any written documentation submitted by the licensee ~~and, applicant, or~~ provider. Based on review of the material, the Director will decide whether to sustain the [adverse](#) decision.

(3) If the [adverse](#) decision is not sustained, the denial, suspension, revocation or non-renewal shall be rescinded immediately.

(4) The [Division's](#) decision ~~of the Division on appeal~~ is subject to a contested case hearing under ORS Chapter 183 if requested within 90 days of the decision.

Statutory/Other Authority: ORS 413.042 & 426.415

Statutes/Other Implemented: ORS 426.415

History:

Reverted to MHS 5-2014, f. & cert. ef. 2-3-14

MHS 27-2016(Temp), f. & cert. ef. 12-29-16 thru 6-26-17

MHS 5-2014, f. & cert. ef. 2-3-14

MHS 8-2013(Temp), f. 8-8-13, cert. ef. 8-9-13 thru 2-5-14