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NOTICE OF PROPOSED RULEMAKING
INCLUDING STATEMENT OF NEED & FISCAL IMPACT

CHAPTER 853
OREGON HEALTH AUTHORITY
HEALTH LICENSING OFFICE, LONG TERM CARE ADMINISTRATORS BOARD

FILED
10/03/2019 11:46 AM
ARCHIVES DIVISION
SECRETARY OF STATE

FILING CAPTION: Rule streamlines background check process for residential care administrator license applicants.

LAST DAY AND TIME TO OFFER COMMENT TO AGENCY: 12/28/2019 9:00 AM

The Agency requests public comment on whether other options should be considered for achieving the rule's substantive goals while reducing negative economic impact of the rule on business.

A public rulemaking hearing may be requested in writing by 10 or more people, or by a group with 10 or more members, within 21 days following the publication of the Notice of Proposed Rulemaking in the Oregon Bulletin or 28 days from the date the Notice was sent to people on the agency mailing list, whichever is later. If sufficient hearing requests are received, the notice of the date and time of the rulemaking hearing must be published in the Oregon Bulletin at least 14 days before the hearing.

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Filed By:
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NEED FOR THE RULE(S):

The process, as written, is inefficient.

DOCUMENTS RELIED UPON, AND WHERE THEY ARE AVAILABLE:

2017 Oregon Revised Statutes, 2018 House Bill 4129

FISCAL AND ECONOMIC IMPACT:

None expected

COST OF COMPLIANCE:

(1) Identify any state agencies, units of local government, and members of the public likely to be economically affected by the rule(s). (2) Effect on Small Businesses: (a) Estimate the number and type of small businesses subject to the rule(s); (b) Describe the expected reporting, recordkeeping and administrative activities and cost required to comply with the rule(s); (c) Estimate the cost of professional services, equipment supplies, labor and increased administration required to comply with the rule(s).

None expected

DESCRIBE HOW SMALL BUSINESSES WERE INVOLVED IN THE DEVELOPMENT OF THESE RULE(S):

It was an internal process improvement - no business involvement needed.

WAS AN ADMINISTRATIVE RULE ADVISORY COMMITTEE CONSULTED? NO IF NOT, WHY NOT?

It was an internal process improvement - no business involvement needed.

AMEND: 853-035-0000

RULE SUMMARY: Rule streamlines the background check process for residential care administrator license applicants.

CHANGES TO RULE:

853-035-0000

Residential Care Administrator Application Requirements

An individual applying for a license as a residential care facility administrator must:¶

- (1) Submit a completed application form, which must contain the information listed in OAR 331-030-0000 and be accompanied by payment of the required application fees; ¶
- (2) Submit proof of being at least 21 years old; ¶
- (3) Submit documentation of a high school diploma or its equivalent;¶
- (4) Submit proof of:¶
 - (a) Being employed in a professional or managerial capacity in a field related to health or social service for at least two of the last five years; or¶
 - (b) Having earned at least a bachelor's degree in a health or social-service-related field; or¶
 - (c) Having a combination of experience and education deemed sufficient by the Office.¶
- (5) Pass an Office background check by:¶
 - (a) Submitting proof of an approved Oregon Department of Human Services (DHS) background check pursuant to OAR 407-007-0200 to 407-007-0370. This background check must:¶
 - (A) Be for a professional or managerial position at a residential care facility, assisted living facility, skilled nursing facility, or nursing facility licensed by DHS; and¶
 - (B) Include a national fingerprint-based criminal records check; and¶
 - (C) Show a date of approval no more than 120 days prior to the licensure application date.¶
 - (b) ~~Completing a background check pursuant to OAR 407-007-0331-030-0200 to 407-007-0370 through the Office. The Office acts as the qualified entity for the background check and submits the background check request to the Oregon DHS Background Check Unit. The background check must include a national fingerprint-based fingerprint check.¶~~
 - (c) ~~If the background check through DHS for either (a) or (b) of this subsection have resulted in any outcome other than approval, submit a fingerprint-based national criminal background check and be determined fit to hold an authorization. When determining fitness, the Office shall require the applicant to pass a fingerprint-based nationwide criminal records check pursuant to OAR 331-030-0consider the qualifications for employment under ORS 443.004.¶~~
- (6) Submit proof of having completed at least 40 hours of training pursuant to OAR 853-035-0010.¶
- (7) Submit proof of having passed the required exam listed in OAR 853-030-0050.¶
- (8) If applicable, submit an affidavit of licensure from any state where the individual holds or has held a license as a residential care facility administrator whether the license is active or inactive.¶
- (9) Submit application fees and license fees.

Statutory/Other Authority: ORS 678.710-678.820, 2018 House Bill 4129, ORS 678.990

Statutes/Other Implemented: ORS 678.710-678.820, 2018 House Bill 4129, ORS 678.990