

OFFICE OF THE SECRETARY OF STATE
SHEMIA FAGAN
SECRETARY OF STATE

CHERYL MYERS
DEPUTY SECRETARY OF STATE



ARCHIVES DIVISION
STEPHANIE CLARK
DIRECTOR

800 SUMMER STREET NE
SALEM, OR 97310
503-373-0701

NOTICE OF PROPOSED RULEMAKING
INCLUDING STATEMENT OF NEED & FISCAL IMPACT

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

FILED
06/23/2021 11:47 AM
ARCHIVES DIVISION
SECRETARY OF STATE

FILING CAPTION: 2021 House Bill 2970 added a documentation option for residential care facility administrator license applicants.

LAST DAY AND TIME TO OFFER COMMENT TO AGENCY: 07/28/2021 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.

CONTACT: Anne Thompson
503-373-1904
anne.p.thompson@dhsosha.state.or..us

1430 Tandem Ave. NE Suite 180
Salem, OR 97301

Filed By:
Anne Thompson
Rules Coordinator

NEED FOR THE RULE(S):

Rule must align with 2021 House Bill 2970.

DOCUMENTS RELIED UPON, AND WHERE THEY ARE AVAILABLE:

Oregon Legislature and the Health Licensing Office, 1430 Tandem Ave. NE Suite 180 Salem OR 97301

FISCAL AND ECONOMIC IMPACT:

The change is positive as it gives applicants options beyond providing a high school diploma.

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):

They weren't - it is a legislative mandate.

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

It's a legislative mandate.

AMEND: 853-035-0000

RULE SUMMARY: 2021 House Bill 2970 added a documentation option for residential care facility administrator license applicants.

CHANGES TO RULE:

853-035-0000

Residential Care Facility 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:¶

(a) A high school diploma or its equivalent; or¶

(b) Passage of an approved high school equivalency test, including, but not limited to, the General Education Development (GED) test; or¶

(c) Graduation from a post-secondary institution.¶

(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) Pursuant to OAR 331-030-0004, submit a fingerprint-based national criminal background check and be determined fit to hold an authorization. When determining fitness, the Office shall consider 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, 2021 House Bill 2970

Statutes/Other Implemented: ORS 678.710-678.820, 2018 House Bill 4129, ORS 678.990, 2021 House Bill 2970