



May 27, 2020

TO: Licensed Residential Treatment Homes
Licensed Residential Treatment Facilities
Adult Foster Homes
Community Mental Health Programs
CHOICE Coordinators
Care Coordination Organizations

From: Elaine Sweet, MSW
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Licensing and Certification Interim Manager

Subject: Guidance Regarding Involuntary Discharges from Mental Health Licensed Residential Programs

Why is this happening?

OHA's Residential Rate Review Committee will review all proposed involuntary discharges from community-based mental health licensed residential treatment homes, facilities, and Adult Foster Homes. This will allow OHA to have oversight, awareness, and assurance of reasonable discharge plans in relation to involuntary discharges during the state of emergency declared by Governor's Executive Order 20-03 ("the COVID-19 Emergency").

As part of this process, OHA will review the current safety issues of the client and other residents and will work with the facility and other partners to resolve the issue, if possible. Instead of moving the client during the COVID-19 emergency, OHA will work with the facility and others to determine if adding services and supports will allow the person to remain at the home or facility. Services and supports can include increased staffing and/or community-based services, such as Assertive Community Treatment, case management or peer-delivered services. If the person cannot remain in the home or facility, Choice Model providers, Care Coordination Organizations (CCO) and Community Mental Health Programs (CMHP) will be engaged to assist with finding an appropriate setting to meet the client's needs and will collaborate with all service providers in the interest of the person's continuity of services through the entire transition process.

What should you do?

Residential Providers shall notify the Licensing and Certification (L&C) Unit of all involuntary discharges by sending an email to Health Systems Division at:

BH.LC.Complaints.Incidents@dhsos.state.or.us with the following information:

- a. Name of Individual
- b. Type of involuntary discharge
- c. Proposed date of discharge

- d. Reason for involuntary discharge
 - i. Provide records to support decision
 - ii. Provide incident reports
 - iii. Provide transition plan
 - iv. Provide residency agreement
 - v. Provide dates of contact, names and contact information for those with whom you have consulted including:
 - i. Guardian and/or attorney, if any
 - ii. Choice Model within the CCO or CMHP
 - Coordination of transition planning
 - iii. Coordinated Care Organization (CCO)
 - Care Coordination services and community supports
 - iv. Community Mental Health Provider (CMHP)
 - Case management, crisis coordination and/or Aid & Assist as appropriate
- e. Provide copy and proof of delivery of involuntary move notice as required by ORS 443.739(18) (AFH) or OAR 309-035-0170(3) or (4) (RTH, RTF and SRTF).
- f. List of steps taken, and any recommendations you have, to mitigate concerns and preserve placement.

The Rate Review Committee will review the documentation and provide written recommendations to the residential providers and concerned parties. If the involuntary discharge can be avoided, plans shall be put in place to assure supports are available. If the involuntary discharge cannot be avoided, a follow-up report is required from the CMHP or Choice Model to describe the discharged individual's placement and status within 30 days of the involuntary discharge.

These policies and procedures shall remain in effect until Executive Order No. 20-03 expires or is terminated, or OHA informs the facility that the policies and procedures may be rescinded.

Authority:

ORS 443.739(18)

OAR 309-035-0170 (3) or (4)

Questions:

If you have questions, please contact Elaine Sweet at 503-931-4985 or at elaine.sweet@dhsosha.state.or.us.