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ARCHIVES DIVISION
STEPHANIE CLARK
DIRECTOR

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

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CHAPTER 213
OREGON CRIMINAL JUSTICE COMMISSION

FILING CAPTION: Permanent Rules for Jail-based Medication for Opioid Use Disorder Grant Program

EFFECTIVE DATE: 08/19/2024

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CONTACT: Rachel McArthur
503-507-4561
rachel.mcarthur@cjc.oregon.gov

885 Summer St NE
Salem,OR 97301

Filed By:
Rachel McArthur
Rules Coordinator

RULES:
213-100-0010, 213-100-0020, 213-100-0030, 213-100-0040, 213-100-0050, 213-100-0060, 213-100-0070, 213-100-0080

ADOPT: 213-100-0010

RULE TITLE: Authority and Application

NOTICE FILED DATE: 06/27/2024

RULE SUMMARY: Authority and Application for Jail-based Medication for Opioid Use Disorder Grant Program

RULE TEXT:
(1) These rules are promulgated pursuant to Section 85, Chapter 70, 2024 Oregon Laws. (Enrolled House Bill 4002).
(2) These rules apply beginning April 1, 2024.

STATUTORY/OTHER AUTHORITY: 2024 OL Ch.70 §85

STATUTES/OTHER IMPLEMENTED: 2024 OL Ch.70 §85

ADOPT: 213-100-0020

RULE TITLE: Purpose

NOTICE FILED DATE: 06/27/2024

RULE SUMMARY: The Purpose of the Jail-based Medication for Opioid Use Disorder Grant Program Rules

RULE TEXT:

The purpose of these rules is to administer the Jail-based Medications for Opioid Use Disorder Grant Program established by Sections 81 to 86, Chapter 70, 2024 Oregon Laws.

STATUTORY/OTHER AUTHORITY: 2024 OL Ch.70 §85

STATUTES/OTHER IMPLEMENTED: 2024 OL Ch.70 §85

ADOPT: 213-100-0030

RULE TITLE: Definitions

NOTICE FILED DATE: 06/27/2024

RULE SUMMARY: Definitions for the Jail-based Medication for Opioid Use Disorder Grant Program

RULE TEXT:

As used in OAR 213-100-0010 to 213-100-0080, unless the context requires otherwise:

(1) “Advisory committee” means a public body appointed by the chairperson of the Commission to evaluate grant applications and make recommendations to the Commission for the awarding of grants under the Jail-based Medications for Opioid Use Disorder Grant Program.

(2) “Applicant” means cities and counties, and federally recognized tribal governments, that submit an application to the Commission for a grant under the Jail-based Medications for Opioid Use Disorder Grant Program.

(3) “Commission” means the Oregon Criminal Justice Commission.

(4) “Grant acceptance period” means the period of time commencing when an applicant receives notice, in writing, from the Commission, that the Commission has decided to award the applicant grant funds, and concluding when an applicant has returned an executed grant agreement to the Commission.

(5) “Grant application period” means the period of time commencing when a grant solicitation is publicly released, and concluding when applications are no longer accepted by the Commission.

(6) “Local correctional facility” has the meaning given the term in ORS 169.005.

(7) “Rural area” means a geographic area twenty-five or more miles from an urban area of 50,000 or more, according to the most recent statistics of the U.S Census Bureau.

(8) “Tribal correctional facility” means a jail or prison in Oregon that is operated by a federally recognized tribe and confines persons for more than 36 hours.

STATUTORY/OTHER AUTHORITY: 2024 OL Ch.70 §85

STATUTES/OTHER IMPLEMENTED: 2024 OL Ch.70 §85

ADOPT: 213-100-0040

RULE TITLE: Grant Application Requirements

NOTICE FILED DATE: 06/27/2024

RULE SUMMARY: Grant application requirements for the Jail-based Medication for Opioid Use Disorder Grant Program

RULE TEXT:

(1) The grant application period will be determined by the Commission and identified in the grant solicitation.

(2) The proportion of grant funds available to an applicant shall be determined as follows and included in the grant solicitation:

(a) The Commission shall determine the proportion of grant funds available to tribal correctional facilities.

(b) The Commission shall establish a formula that determines the proportion of grant funds available to each local correctional facility based on intake rates and average daily population of a facility, and overdose data and population density for the jurisdiction(s) served.

(3) Grant applications must:

(a) Demonstrate the applicant operates a local correctional facility or tribal correctional facility in Oregon.

(b) Describe the applicant's existing or planned coordination with a medication for opioid use disorder treatment provider.

(c) Describe how the applicant's program aligns with, or intends to align with, best practices and standards of care related to medications for opioid use disorder treatment.

(d) Describe how grant funds will be used for one or more of the following:

(A) Provide medication, telemedicine, or any other reasonable treatment to persons in custody with an opioid disorder.

(B) Develop or operate mobile or nonmobile opioid treatment units.

(C) Administer screenings for opioid use disorder or risk of an acute opioid withdrawal.

(D) Facilitate transition planning services for persons in custody who seek or receive opioid use disorder treatment.

(E) Undertake any other actions reasonably calculated to mitigate operational or structural barriers to providing opioid use disorder treatment in local correctional facilities or tribal correctional facilities, including but not limited to mitigating any lack of secure storage for medication.

(e) Include a statement from the applicant acknowledging that any grant funds received must be expended in accordance with the allowable uses described in OAR 213-100-0040(3)(d).

(f) Include a letter of commitment from each administrator of a local correctional facility or tribal correctional facility who is associated with the application, committing to participate in good faith in the grant program.

(4) The Commission may, in its sole discretion, waive solicitation requirements or cancel any solicitation in whole or in part if it deems such action to be in the best interests of the Jail-based Medications for Opioid Use Disorder Grant Program.

STATUTORY/OTHER AUTHORITY: 2024 OL Ch.70 §85

STATUTES/OTHER IMPLEMENTED: 2024 OL Ch.70 §85

ADOPT: 213-100-0050

RULE TITLE: Grant Application Review Criteria

NOTICE FILED DATE: 06/27/2024

RULE SUMMARY: Grant application review criteria for the Jail-based Medication for Opioid Use Disorder Grant Program

RULE TEXT:

The advisory committee and the Commission shall review and evaluate each grant application based on the following criteria:

(1) The grant application's responsiveness to the requirements set forth in OAR 213-100-0040(3).

(2) Other criteria that the Commission chooses to include in the grant solicitation.

STATUTORY/OTHER AUTHORITY: 2024 OL Ch.70 §85

STATUTES/OTHER IMPLEMENTED: 2024 OL Ch.70 §85

ADOPT: 213-100-0060

RULE TITLE: Grant Application Processing and Awards

NOTICE FILED DATE: 06/27/2024

RULE SUMMARY: Grant application processing and awards for the Jail-based Medication for Opioid Use Disorder Grant Program

RULE TEXT:

(1) At least ten percent of the total moneys awarded to grant recipients must be awarded to local correctional facilities in rural areas or tribal correctional facilities. Any amount of the ten percent not awarded during an initial grant acceptance period may be awarded to any otherwise eligible applicant through the process described in OAR 213-100-0070.

(2) The advisory committee shall evaluate each application based on the criteria provided in OAR 213-100-0050 and make recommendations to the Commission.

(3) The Commission shall review each grant application and the recommendations of advisory committee and provide final approval in whole or in part. The Commission may reject portions of the application that fail to meet the criteria set forth in OAR 213-100-0050.

(4) The Commission may issue a provisional award with continued funding contingent upon improved performance and progress towards the criteria set forth in OAR 213-100-0050.

(5) The Commission may amend or adjust a grant awarded under this rule to address new circumstances, funding opportunities, or other developments in the implementation of a grant. After the grant is awarded, the Commission may amend the amount originally awarded.

STATUTORY/OTHER AUTHORITY: 2024 OL Ch.70 §85

STATUTES/OTHER IMPLEMENTED: 2024 OL Ch.70 §85

ADOPT: 213-100-0070

RULE TITLE: Unallocated Funds

NOTICE FILED DATE: 06/27/2024

RULE SUMMARY: Unallocated funds for the Jail-based Medication for Opioid Use Disorder Grant Program

RULE TEXT:

If unallocated funds remain at the conclusion of the grant acceptance period or otherwise become available during the biennium, the Commission may:

(1) Use unallocated funds to supplement and expand the scope of one or more grants that were awarded, without the need for further grant solicitation, but using the criteria provided in OAR 213-100-0050.

(2) Open a grant application period, and allow for the submission of new applications, using the criteria and process provided in OAR 213-100-0040 through 213-100-0060.

STATUTORY/OTHER AUTHORITY: 2024 OL Ch.70 §85

STATUTES/OTHER IMPLEMENTED: 2024 OL Ch.70 §85

ADOPT: 213-100-0080

RULE TITLE: Evaluating Efficacy

NOTICE FILED DATE: 06/27/2024

RULE SUMMARY: Evaluating efficacy for the Jail-based Medication for Opioid Use Disorder Grant Program

RULE TEXT:

The Commission will evaluate the progress and efficacy of programs and services funded by the Jail-based Medications for Opioid Use Disorder Grant Program through fiscal expenditure and program data collection. The Commission may develop other methods for evaluating program efficacy.

STATUTORY/OTHER AUTHORITY: 2024 OL Ch.70 §85

STATUTES/OTHER IMPLEMENTED: 2024 OL Ch.70 §85