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ARCHIVES DIVISION

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**NOTICE OF PROPOSED RULEMAKING**  
INCLUDING STATEMENT OF NEED & FISCAL IMPACT

CHAPTER 411  
DEPARTMENT OF HUMAN SERVICES  
AGING AND PEOPLE WITH DISABILITIES AND DEVELOPMENTAL DISABILITIES

**FILED**

04/30/2024 11:00 AM  
ARCHIVES DIVISION  
SECRETARY OF STATE

FILING CAPTION: ODDS: SB 792 (2023) Application Fees for Agencies and Adult Foster Homes (411-323, 360)

LAST DAY AND TIME TO OFFER COMMENT TO AGENCY: 06/05/2024 11:00 PM

*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.*

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Salem, OR 97301

Filed By:  
Christina Hartman  
Rules Coordinator

**HEARING(S)**

*Auxiliary aids for persons with disabilities are available upon advance request. Notify the contact listed above.*

DATE: 05/28/2024

TIME: 11:30 AM

OFFICER: Staff

**REMOTE HEARING DETAILS**

MEETING URL: [Click here to join the meeting](#)

PHONE NUMBER: 1-669-254-5252

CONFERENCE ID: 1609230505

**SPECIAL INSTRUCTIONS:**

**RULE HEARING NOTES:** A rule hearing is for people to provide comments about the proposed rule changes. If you wish to attend the rule hearing, please join no later than 15 minutes after the hearing has started. The rule hearing will close after 30 minutes if no one attends or wants to provide comments.

Questions about the rule content or other developmental disabilities services are not answered during a rule hearing. If you have questions about the rules or need help registering for the rule hearing, please contact the Rules Coordinator (below).

**LANGUAGE ACCESS AND ACCOMMODATIONS:** We provide free help so everyone can use our services.

<https://www.oregon.gov/odhs/Pages/language-assistance.aspx>

For people who speak or use a language other than English, people with disabilities or people who need additional support, we can provide free help. Some examples:

- Sign language and spoken language interpreters
- Written materials in other languages
- Braille

- Real-time captioning (CART)
- Large print
- Audio and other formats

If you need accommodations, please email [christina.hartman@odhs.oregon.gov](mailto:christina.hartman@odhs.oregon.gov) or call 971-413-4225 (voice or text). We accept all relay calls.

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DATE: 05/28/2024

TIME: 5:30 PM

OFFICER: Staff

#### REMOTE HEARING DETAILS

MEETING URL: [Click here to join the meeting](#)

PHONE NUMBER: 1-669-254-5252

CONFERENCE ID: 1604205799

#### SPECIAL INSTRUCTIONS:

RULE HEARING NOTES: A rule hearing is for people to provide comments about the proposed rule changes. If you wish to attend the rule hearing, please join no later than 15 minutes after the hearing has started. The rule hearing will close after 30 minutes if no one attends or wants to provide comments.

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#### NEED FOR THE RULE(S)

The Oregon Department of Human Services, Office of Developmental Disabilities Services (ODDS) needs to make changes to the following rules to implement SB 792 (2023):

- OAR chapter 411, division 323 about agency certification and endorsement to deliver developmental disabilities services in community-based settings.
- OAR chapter 411, division 360 about adult foster homes for individuals with intellectual or developmental disabilities (AFH-DD).

SB 792 (2023) gives ODDS statutory authority to:

(1) Establish application fees for:

- Agency certification and endorsements; and
- Initial and renewal licenses for ODDS adult foster homes, 24-hour residential settings, and host homes.

(2) Create criteria for the waiver or reduction of these application fees.

OAR 411-323-0024 about application fees for certification, endorsement, and initial and renewal licenses needs to be adopted to implement SB 792 (2023) about application fees.

OAR 411-360-0050 about AFH-DD license application and fees needs to be amended to implement SB 792 (2023) about application fees.

OAR 411-360-0080 about AFH-DD issuance of license needs to be amended to refer to the application fees in OAR 411-360-0050 and remove the fee for a change of resident manager.

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#### DOCUMENTS RELIED UPON, AND WHERE THEY ARE AVAILABLE

1. Enrolled SB 792 (2023). Available at:

<https://olis.oregonlegislature.gov/liz/2023R1/Downloads/MeasureDocument/SB0792/Enrolled>

2. Overview and Measure History of SB 792 (2023). Available at:

<https://olis.oregonlegislature.gov/liz/2023R1/Measures/Overview/SB792>

3. ORS Chapter 427. Available at: [https://www.oregonlegislature.gov/bills\\_laws/ors/ors427.html](https://www.oregonlegislature.gov/bills_laws/ors/ors427.html)

4. ORS Chapter 443. Available at: [https://www.oregonlegislature.gov/bills\\_laws/ors/ors443.html](https://www.oregonlegislature.gov/bills_laws/ors/ors443.html)

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#### STATEMENT IDENTIFYING HOW ADOPTION OF RULE(S) WILL AFFECT RACIAL EQUITY IN THIS STATE

The proposed rule changes add and increase application fees. These changes could limit members of historically economically underprivileged communities from becoming providers of developmental disabilities services.

The proposed rule changes could potentially worsen existing disparities, though the fees were kept low, which may help to limit this impact.

To minimize adverse impacts and eliminate potential harm, ODDS convened a workgroup to talk through issues related to additional and increased fees, ultimately keeping the fees lower than originally proposed.

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#### FISCAL AND ECONOMIC IMPACT:

The fiscal and economic impact is stated below in the cost of compliance statement. The fiscal and economic impact was evaluated as part of the Rules Advisory Committee (RAC) process and is based on data and information currently available to ODDS.

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#### 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).*

(1) ODDS does not anticipate any cost of compliance for other state agencies, case management entities (units of local government), individuals receiving services, or members of the public because the proposed rule changes only impact ODDS and ODDS providers as identified below.

ODDS: ODDS estimates an additional \$366,150 in revenue for the Quality Care Fund established in ORS 443.001. The Quality Care Fund is used for training, technical assistance, quality improvement initiatives, and licensing activities to ensure agencies and adult foster home providers meet the standards for high level quality of care.

Providers: Providers of all types are estimated to pay \$366,150 for increased and additional fees from July 2024 to July 2025.

AFH-DD Initial Application  
(Multnomah, Clackamas, and Washington Counties)  
Current Fee: \$50 per license capacity  
Proposed Fee: \$75 per license capacity  
Increase: \$25 per license capacity

AFH-DD Initial Application  
(Other than Multnomah, Clackamas, and Washington Counties)  
Current Fee: \$50 per license capacity  
Proposed Fee: \$50 per license capacity  
No change

AFH-DD Change in Resident Manager  
Current Fee: \$10  
Proposed Fee: \$0  
Decrease: -\$10

Medicaid Agency Certification - Initial/Renewal Application  
Establish New Fee: \$500

Medicaid Agency Endorsement - Initial/Renewal Application  
(Supported Living, Employment, Community Living Supports, and Standard Model Agency)  
Establish New Fee: \$100 per endorsement

24-Hour Residential Settings - Initial Application (Multnomah, Clackamas, and Washington Counties)  
Current Fee: \$50 per license capacity  
Proposed Fee: \$75 per license capacity  
Increase: \$25 per license capacity

24-Hour Residential Settings - Initial Application  
(Other than Multnomah, Clackamas, and Washington Counties)  
Current Fee: \$50 per license capacity  
Proposed Fee: \$50 per license capacity  
No change

24-Hour Residential Settings - Renewal Application  
Current Fee: \$50 per license capacity  
Proposed Fee: \$50 per license capacity  
No change

Host Homes - Initial Application

Current Fee: \$50

Proposed Fee: \$0

Decrease: -\$50

Host Home License - Renewal Application

Current Fee: \$50

Proposed Fee: \$50

No change

(2)(a) There are approximately 855 agencies certified by ODDS. An agency may be considered a small business as defined by ORS 183.310. ODDS is unable to estimate the number of agencies that may be considered a small business.

There are approximately 991 adult foster homes licensed by ODDS and Multnomah County. Foster providers are considered a small business as defined in ORS 183.310.

(2)(b) The impact to agencies and adult foster homes is included in the cost of compliance.

(2)(c) The impact to agencies and adult foster homes is included in the cost of compliance.

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

Small businesses as defined in ORS 183.310 were invited to participate in the RAC and are included in the public review and comment period.

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WAS AN ADMINISTRATIVE RULE ADVISORY COMMITTEE CONSULTED? YES

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RULES PROPOSED:

411-323-0024, 411-360-0050, 411-360-0080

ADOPT: 411-323-0024

RULE SUMMARY: OAR 411-323-0024 about application fees for certification, endorsement, and initial and renewal licenses is being adopted to implement SB 792 (2023) about application fees.

Other technical changes may be made to this rule to make the rule easier to understand and implement, correct grammatical errors, ensure consistent terminology, and address issues identified during the public comment period. These changes will not affect services or introduce additional requirements or processes.

CHANGES TO RULE:

411-323-0024

Application Fees for Certification, Endorsements, and Initial and Renewal Licenses

(1) CERTIFICATION. A non-refundable fee of \$500 must be submitted with an application for a certificate.¶

(2) ENDORSEMENTS. A non-refundable fee of \$100 must be submitted with an application for each of the following endorsements: ¶

(a) A supported living program. ¶

(b) An employment program. ¶

(c) A community living supports program. ¶

(d) A standard model agency program. ¶

(3) 24-HOUR RESIDENTIAL SETTINGS. In addition to the certification fee in section (1) of this rule:¶

(a) The non-refundable fee for a license to operate a 24-hour residential setting in Multnomah, Clackamas, and Washington counties is:¶

(A) For an initial license, as described in OAR 411-325-0040, \$75 per individual according to the license capacity of the setting.¶

(B) To renew a license, as described in OAR 411-325-0070, \$50 per individual according to the license capacity of the setting.¶

(b) To operate a 24-hour residential setting outside of Multnomah, Clackamas, and Washington counties, the fee is \$50 per individual according to the license capacity of the setting:¶

(A) For an initial license, as described in OAR 411-325-0040.¶

(B) To renew a license, as described in OAR 411-325-0070.¶

(4) HOST HOMES. The non-refundable fee to renew the license of a host home, as described in OAR 411-348-0070, is \$50 for the setting.¶

(5) LICENSE CAPACITY. License capacity is the maximum number of individuals that may reside in each setting. ¶

(6) A certificate, endorsement, or license application will not be reviewed by the Department until the required fees are paid.¶

(7) The Department may waive or reduce an application fee, described in this rule, required for provider certification, endorsement, or license if:¶

(a) The need for a certification or endorsement application occurs due to a crisis. The crisis must be likely to lead to a loss of services or present a serious risk to the health or safety of an individual, with no reasonable alternative to address the crisis. A crisis may be indicated if:¶

(A) An individual is not receiving necessary supports to address life threatening issues resulting from behavioral or medical conditions; ¶

(B) An individual engages in self-injurious behavior serious enough to cause injury that requires professional medical attention; ¶

(C) An individual undergoes, or is at imminent risk of undergoing, loss of provider due to provider inability to provide supports; ¶

(D) An individual experiences a loss of home; or ¶

(E) An individual is not receiving the necessary supports to address significant safety risks to others, including but not limited to: ¶

(i) A pattern of physical aggression; ¶

(ii) Fire-setting behaviors; or ¶

(iii) Sexually aggressive behaviors or a pattern of sexually inappropriate behaviors.¶

(b) The Department or a case management entity requests a provider to take an action that prompts an application for certification, endorsement, or license.¶

(c) The Department determines there is good cause to waive or reduce a fee.

Statutory/Other Authority: ORS 409.050, 427.021, 427.024, 427.104, 430.662

Statutes/Other Implemented: ORS 409.010, 427.007-427.104, 427.181, 430.215, 430.610, 430.662, 443.415

RULE SUMMARY: OAR 411-360-0050 about AFH-DD license application and fees is being amended to implement SB 792 (2023) about application fees.

Other technical changes may be made to this rule to make the rule easier to understand and implement, correct grammatical errors, ensure consistent terminology, and address issues identified during the public comment period. These changes will not affect services or introduce additional requirements or processes.

CHANGES TO RULE:

411-360-0050

AFH-DD License Application and Fees ¶

(1) An applicant for an AFH-DD license must complete a written application on the applicable Department forms and submit the application to the Department with a non-refundable fee of \$50 per bed for each service recipient. ~~Service recipients include private pay and publicly funded individuals. Service recipients do not include family members or recipients of day care services.~~ ¶

(a) The amount of the non-refundable fee is:¶

(A) For an AFH-DD sited in Multnomah, Clackamas, or Washington counties: ¶

(i) For an initial license, \$75 per individual according to the license capacity of the AFH-DD. ¶

(ii) To renew a license, \$50 per individual according to the license capacity of the AFH-DD.¶

(B) For an AFH-DD not sited in Multnomah, Clackamas, or Washington counties:¶

(i) For an initial license, \$50 per individual according to the license capacity of the AFH-DD. ¶

(ii) To renew a license, \$50 per individual according to the license capacity of the AFH-DD.¶

(C) For a limited license, \$50 per individual according to the license capacity of the setting.¶

(D) For a provisional license, \$50 per individual according to the license capacity of the setting.¶

(b) License capacity is the maximum number of individuals that may reside in each setting. ¶

(2) The Department may waive or reduce a fee required by section (1) of this rule if:¶

(a) The need for an application, as described in section (1) of this rule, arises to address a crisis. The crisis must be likely to lead to a loss of services or present a serious risk to the health or safety of an individual, and no reasonable alternative has been found to address the crisis. A crisis may be indicated if:¶

(A) An individual is not receiving necessary supports to address life threatening issues resulting from behavioral or medical conditions; ¶

(B) An individual engages in self-injurious behavior serious enough to cause injury that requires professional medical attention; ¶

(C) An individual undergoes, or is at imminent risk of undergoing, loss of caregiver due to caregiver inability to provide supports; ¶

(D) An individual experiences a loss of home; or ¶

(E) An individual is not receiving the necessary supports to address significant safety risks to others, including but not limited to: ¶

(i) A pattern of physical aggression; ¶

(ii) Fire-setting behaviors; or ¶

(iii) Sexually aggressive behaviors or a pattern of sexually inappropriate behaviors.¶

(b) The Department or a case management entity requests a provider to take an action that prompts an application, as described in section (1) of this rule.¶

(c) The Department determines there is good cause to waive or reduce a fee.¶

(a3) An application is not complete until the Department receives the information and non-refundable fee described in this rule. ¶

(b4) An incomplete application is void 60 calendar days from the date the Department receives the application.¶

(c5) Failure to provide accurate information may result in the denial of an application.¶

(26) An applicant applying to operate more than one AFH-DD must complete a separate application for each home. ¶

(37) An application for an AFH-DD with a resident manager must include a completed application for the resident manager on the applicable Department forms.¶

(48) An application for an AFH-DD license must include the following:¶

(a) The applicant's mailing address, if different from the address of the AFH-DD, and a business address for electronic mail.¶

- (b) The maximum capacity in accordance with OAR 411-360-0060.¶
- (c) Identification of the following:¶
  - (A) Each person that resides in the home and receives care, including family members that require care and recipients of respite, relief care, or day care services; and¶
  - (B) All other occupants that reside in the home or on the property of the home, including family members, friends, and room and board tenants.¶
- (d) The classification being requested in accordance with OAR 411-360-0070, including information and supporting documentation regarding qualifications, relevant work experience, and training of caregivers as required by the Department.¶
- (e) The statement of a health care provider, on the applicable Department form, regarding the ability of the applicant to deliver services.¶
- (f) Financial information, including the following:¶
  - (A) A completed Financial Information Sheet on the applicable Department form.¶
  - (i) An applicant must demonstrate the financial ability and maintain sufficient liquid resources to pay the operating costs of an AFH-DD for at least two months without solely relying on potential income from individuals and room and board payments.¶
  - (ii) An applicant applying to operate more than one AFH-DD must demonstrate the financial ability and maintain sufficient liquid resources to pay the operating costs of all the homes for at least two months without solely relying on potential income from individuals and room and board payments.¶
  - (iii) If an applicant is unable to demonstrate the financial ability and resources required by this rule, the Department may require the applicant to furnish a financial guarantee, such as a line of credit or guaranteed loan.¶
  - (B) Copies of bank statements from the last three months demonstrating banking activity in both checking and savings accounts, as applicable, or demonstration of cash on hand, if requested.¶
- (C) Documentation of the following, if applicable:¶
  - (i) Unsatisfied judgments, liens, and pending lawsuits where a claim for money or property is made against the applicant.¶
  - (ii) Bankruptcy filings by the applicant.¶
  - (iii) Unpaid taxes due from the applicant including, but not limited to, property taxes, employment taxes, and state and federal income taxes.¶
- (D) A copy of a complete and current credit report for the applicant, if requested.¶
- (g) If an applicant is leasing or rents the home, a copy of the lease or rental agreement. The agreement must be a standard lease or rental agreement for residential use and include the following:¶
  - (A) Name of the owner and landlord;¶
  - (B) Verification the rent is a flat rate; and¶
  - (C) Signatures of the landlord and applicant and date signed.¶
- (h) If an applicant is purchasing or owns the home, verification of purchase or ownership.¶
  - (i) A current and accurate floor plan for the home that indicates the following:¶
    - (A) Size of each room;¶
    - (B) Size of each window;¶
    - (C) Bedrooms to be used by individuals, the provider, and as applicable, caregivers, room and board tenants, and recipients of day care, relief care, or respite services;¶
    - (D) Each exit on each level of the home, including emergency exits such as windows;¶
    - (E) Wheelchair ramps, if applicable;¶
    - (F) Each fire extinguisher, smoke alarm, carbon monoxide alarm, and sprinkler if the home has an interior sprinkler system;¶
    - (G) Planned evacuation routes; and¶
    - (H) Designated smoking areas in or on the premises of the home, if applicable.¶
- (j) The non-refundable fee for each individual service recipient as described in section (1) of this rule.¶
- (k) Three personal references for the applicant. The personal references may not be family members, current or potential licensees, or co-workers of current or potential licensees.¶
- (l) If applying to operate more than one AFH-DD, a plan covering administrative responsibilities and staffing qualifications for each home.¶
- (m) A written description of the daily operation of the AFH-DD, including the following:¶
  - (A) The use of a resident manager and substitute caregivers, as applicable.¶
  - (B) The schedule of the provider, resident manager, and substitute caregivers, as applicable.¶
  - (C) The plan for coverage in the absence of the provider, resident manager, or substitute caregivers, as applicable.¶
- (n) Documentation of the following for each subject individual as defined in OAR 411-360-0020:¶



(A) Signed background check, and if needed, the mitigating information and fitness determination form;¶  
 (B) Signed consent form for a background check with regards to abuse of children; and¶  
 (C) Founded reports of child abuse or substantiated adult abuse allegations, including the dates, locations, and resolutions.¶  
 (o) A copy of the Residency Agreement for the AFH-DD.¶  
 (59) After receipt of the completed application materials, including the non-refundable fee, the Department shall investigate the information submitted and inspect the home. Compliance is determined upon submission and completion of the application and the process described in these rules.¶  
 (a) An applicant shall receive a copy of the Department's inspection form citing any deficiencies and specifying a time frame for correction, no later than 60 calendar days from the date of inspection.¶  
 (b) Deficiencies noted during an inspection of the home must be corrected in the time frame specified by the Department.¶  
 (610) An applicant must comply with these rules before the Department issues a license. An application is denied if cited deficiencies are not corrected within the time frames specified by the Department.¶  
 (711) Prior to being licensed, an applicant must attend the orientation offered by the local CDDP.¶  
 (812) An applicant may withdraw an application at any time during the application process by notifying the Department in writing.¶  
 (913) An applicant whose application has been denied or whose license has been revoked, non-renewed, or voluntarily surrendered during a revocation or non-renewal process, may not submit a new application for at least one year from the date the action is final, or for a longer period of time if specified in a final order.¶  
 (104) All monies collected under these rules are paid to the Quality of Care Fund.  
 Statutory/Other Authority: ORS 409.050, 427.104, 430.662, 443.001, 443.004, 443.725, 443.730, 443.734, 443.735, 443.738, 443.742, 443.760, 443.765, 443.767, 443.775, 443.790  
 Statutes/Other Implemented: ORS 409.010, 427.007, 427.101, 427.104, 430.610, 430.662, 443.001-443.004, 443.705-443.825, 443.875, 443.991

AMEND: 411-360-0080

RULE SUMMARY: OAR 411-360-0080 about AFH-DD issuance of license is being amended to refer to the application fees in OAR 411-360-0050 and remove the fee for a change of resident manager.

Other technical changes may be made to this rule to make the rule easier to understand and implement, correct grammatical errors, ensure consistent terminology, and address issues identified during the public comment period. These changes will not affect services or introduce additional requirements or processes.

#### CHANGES TO RULE:

#### 411-360-0080

##### Issuance of a License ¶

(1) ~~If a home and applicant are found to be in compliance with these rules, the Department shall~~ issues a license within 60 calendar days after the Department has received the completed application materials, ~~if and the home and applicant are found to be in compliance with these rules, non-refundable fee described in OAR 411-360-0050(1).~~ ¶

(a) The license specifies the type of license and includes the name of the licensee and resident manager (if applicable), address of the premises to which the license applies, the maximum capacity, expiration date, and classification level. ¶

(b) The licensee must visibly post the license in the AFH-DD and the license must be available for inspection at all times. ¶

(2) LIMITED LICENSE. A limited license is issued to a provider for the care of a specific individual. A provider with a limited license may not accept other placements. A provider with a limited license must meet the standards of an AFH-DD and acquire any additional training necessary to meet the specific support needs of the individual and may be subject to the requirements of: ¶

(a) OAR 411-360-0140, Standards and Practices for Health Care; ¶

(b) OAR 411-360-0160, Behavior Supports; ¶

(c) OAR 411-360-0170, Documentation and Record Requirements; ¶

(d) OAR 411-360-0180, General Practices; and ¶

(e) OAR 411-360-0190, Standards for Admission, Transfers, Respite, Crisis Placements, Exits, and Closure. ¶

(3) PROVISIONAL LICENSE. ¶

(a) The Department may issue a 60-day provisional license to a qualified person if the Department determines that an emergency situation exists after being notified that the licensed provider is no longer overseeing the operation of the AFH-DD. A person is considered qualified if he or she is at least 21 years of age and meets the qualifications of a provider described in OAR 411-360-0110(1)(a-f)(h-m). ¶

(b) A provisional license may be extended one time for a period of 30 calendar days if an applicant has demonstrated a good faith effort to complete the application process and obtain the required qualifications and trainings. ¶

(4) The Department may attach conditions to a license that limit, restrict, or specify other criteria for operation of the AFH-DD. The conditions must be posted with the license in the AFH-DD and be available for inspection at all times. ¶

(5) A condition may be attached to a license that restricts admissions to the AFH-DD. ¶

(6) A license for an AFH-DD is not transferable or applicable to any location or persons other than those specified on the license. ¶

(7) When an AFH-DD is to be sold or otherwise transferred, the new provider must apply for, and obtain, a license prior to the transfer of operation of the AFH-DD. ¶

(8) A license is valid for one year unless revoked or suspended. ¶

(9) The Department does not issue a license to operate an additional AFH-DD to a provider who has failed to achieve and maintain substantial compliance with the rules and regulations while operating any existing home or homes. ¶

(10) The Department does not issue an initial license unless: ¶

(a) An applicant and home are in compliance with ORS 443.705 to 443.825 and these rules; ¶

(b) The Department has completed an inspection of the home; ¶

(c) The Department has completed a background check on the applicant, resident manager (if applicable), and any subject individual as defined in OAR 411-360-0020; ¶

(d) The Department has determined that the applicant has the financial ability and maintains sufficient liquid

resources to pay the operating costs of the home for at least two months without solely relying on potential income from individuals and room and board payments; ¶

(e) The Department has checked the record of sanctions available from the Department's files, including the list of nursing assistants who have been found responsible for abuse and whose names have been added to the registry pursuant to ORS 441.678; and ¶

(f) The Department has conducted a background check of the provider or resident manager with regard to founded abuse of children or substantiated abuse of adults. ¶

(11) CHANGE OF RESIDENT MANAGER. If a resident manager changes during the period of time the license covers, the provider must notify the Department within 24 hours and identify who is to be providing care. ¶

(a) The provider must submit a request for a change of resident manager to the Department with all of the following: ¶

(A) A completed application for the resident manager applicant on the form supplied by the Department; ¶

(B) A background check and a current consent form to conduct a background check for child abuse for the resident manager applicant; and ¶

~~(C) A non-refundable payment fee of \$10.00. ¶~~

(b) A revised license with the name of the new resident manager is issued upon the Department's determination that the applicant meets the requirements of a resident manager and the applicant has received the Department's required AFH-DD training and passed the test. ¶

(12) In seeking an initial license, the burden of proof to establish compliance with ORS 443.705 to 443.825 and these rules is upon the applicant.

Statutory/Other Authority: ORS 409.050, ~~410.070~~ 427.104, 430.662, 443.001, 443.004, 443.725, 443.730, 443.734, 443.735, 443.738, 443.742, 443.760, 443.765, 443.767, 443.775, 443.790

Statutes/Other Implemented: ORS ~~409.010, 427.007, 427.101, 427.104, 430.610, 430.662, 443.001-443.004, 443.705--443.825, 443.875, 443.991~~