



# Oregon

John A. Kitzhaber, MD, Governor

## Department of Human Services

*Seniors and People with Disabilities*

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January 13, 2012

To: All Interested Parties

From: Christina Hartman, Rules Coordinator  
Seniors and People with Disabilities



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### REQUEST FOR COMMENTS PETITION FOR RULEMAKING LONG TERM CARE FACILITIES - TRANSFERS

**COMMENTS DUE:** February 21, 2012 at 5:00 p.m.

**REQUEST:** In accordance with ORS 183.390, the Department of Human Services (Department) is inviting public comment, including whether options exist for achieving the rule's substantive goals in a way that reduces the negative economic impact on businesses, on a petition of rulemaking requesting the repeal and amendment of the language relating to resident transfers found in the following rules:

- 411-050-0444 Adult Foster Home - Operational Standards;
- 411-054-0080 Residential Care and Assisted Living Facility - Involuntary Move-Out Criteria;
- 411-088-0000 to 0080 Nursing Facility - Transfers;
- 411-325-0390 and 0400 24-Hour Residential Services for Individuals with Developmental Disabilities - Entry, Exit and Transfer; and
- 411-360-0190 Adult Foster Homes for Individuals with Developmental Disabilities - Standards for Admission, Transfers, Respite, Crisis Placements, Exit, and Closures

**BACKGROUND:** On November 30, 2011, the Department received a petition of rulemaking requesting that the Department amend the nursing facility transfer rules in OAR chapter 411, division 088 to create a uniform rule for residents' rights, voluntary and involuntary transfer, and due process so that residents faced with an involuntary transfer have the same

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rights regardless of the type of facility. The petition also requested that the Department update the specific facility rules to refer to the uniform rules in OAR chapter 411, division 088.

**HOW TO COMMENT:** The petition for rulemaking may be viewed at: <http://www.dhs.state.or.us/policy/spd/rules/Petition%20for%20Rulemaking%20-%20Transfers.pdf> or by contacting Christina Hartman at 503-945-6398 or at [Christina.Hartman@state.or.us](mailto:Christina.Hartman@state.or.us). Written comments may be submitted via e-mail to [Christina.Hartman@state.or.us](mailto:Christina.Hartman@state.or.us), faxed to 503-947-4245, or mailed to Rule Coordinator, Department of Human Services, Seniors and People with Disabilities, 500 Summer Street NE, E-10, Salem, Oregon, 97301-1074. Deadline for comments is February 21, 2012 at 5:00 p.m.