



HEALTH SYSTEMS DIVISION

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To: Mental Health Adult Foster Home Licensees
Mental Health Residential Treatment Providers
Community Mental Health Programs

From: Connie Rush, Mental Health Licensing & Certification Manager

Subject: Assistance with Activities of Daily Living

Activities of daily living (ADLs) are daily basic self-care activities necessary for a person's health and quality of life. Staff in licensed mental health facilities are expected to assist those individuals residing in the home or facility requiring assistance with any ADL.

Why is this happening?

The Oregon Health Authority has learned some licensed adult foster homes, residential treatment homes, residential treatment facilities and secure residential treatment facilities do not provide or refuse admission to individuals needing assistance with ADLs. Assistance with ADLs is a mandatory provision afforded all individuals in these licensed settings both under the relevant rules of licensure and the rules of Medicaid. Facilities may not deny admission to an individual because they have ADL needs unless the individual requires continuous nursing care as determined by the individual's Primary Care Provider.

Failure to admit due to ADL needs constitutes a violation of the Oregon Administrative Rules (OARs). Failure to provide needed assistance with ADLs to an individual constitutes a violation of the OARs and may constitute abuse, neglect and/or Medicaid fraud.

What do I need to do?

Providers and caregivers must provide the necessary and appropriate assistance each individual needs related to all activities of daily living. This is a mandatory requirement for all licensed providers. An individual requiring assistance with ADLs, regardless of the level or type of assistance, is not justification to issue notice of transfer or discharge. Individuals have the right to age in place and not be moved only because they require more physical care. Transfers due to care needs are only acceptable when the individual has been assessed by their Primary Care Provider (PCP) to require services such as continuous nursing care or extended hospitalization that are not available in the local community or cannot be provided in the current placement as determined by the PCP.

ADLs include: eating, dressing, bathing, personal hygiene, mobility (ambulation and transfer), elimination (toileting, bowel, and bladder management), cognition and behavior.

Assistance includes: set-up, cueing, monitoring, stand-by, redirection, reassurance and hands-on.

Level of assistance includes: minimal, substantial, and full. Individual's may require assistance occasionally or multiple times per day.

Frequency of assistance includes, but is not limited to: monthly, weekly, daily, twice daily, every two hours, or every time the activity is attempted.

Providers and caregivers must document the provision of ADLs in the resident's record as required in OAR [410-120-1360](#), [410-172-0620](#) and [410-173-0045](#).

Relevant RTH/RTF/SRTF Oregon Administrative Rules

309-035-0163 Admission to Program

(7) Prior to admission, the provider shall evaluate and determine whether a prospective individual is eligible for admission based on the following criteria. The individual shall:

(c) Not require continuous nursing care unless a reasonable plan to provide the care exists, the need for residential treatment supersedes the need for nursing care, and the Division approves the placement;

309-035-0200 Individual Services and Activities

(1) The provider shall make services and activities available at the program including care and treatment consistent with ORS 443.400 and those services individually specified for the individual in the residential service plan

developed as outlined in OAR 309-035-0185. The provider shall encourage individuals to care for their own needs to the extent possible. The provider shall ensure all services and activities be provided in a manner that respects individuals' rights, promotes recovery, and protects personal dignity.

Relevant AFH Oregon Administrative Rules

309-040-0390 Standards and Practices for Care and Services

(13) The provider shall:

(c) Give care and services, as appropriate to the age and condition of the individual and as identified on the RCP. The provider shall ensure that physicians' orders and those of other medical professionals are followed and that the individual's physicians and other medical professionals are informed of changes in health status or if the individual refuses care;

309-040-0395 Standards for Admission, Transfers, Respite, Discharges, and Closures

(2) A provider may only admit an individual with a referral from, or the prior written approval of the CMHP or the Division. At the time of the referral, a provider shall be given complete information about the case history of the individual as it relates to behavior, skill level, medical status, or other relevant information. The provider may deny admission of any individual if the provider believes the individual cannot be managed effectively in the AFH, or for any other reason not specifically prohibited by this rule. AFHs may not be used as a site for foster care for children, adults from other agencies, or any type of shelter or day care without the written approval of the CMHP or the Division.

Relevant Medicaid Oregon Administrative Rules

410-172-0710 Residential Personal Care

(1) Personal care services shall be provided to residents of Division licensed residential treatment programs, as developmentally appropriate, as described in the resident's person-centered service plan and residential plans of care.

(2) Personal care services are provided to individuals with behavioral health conditions that enable them to accomplish tasks that they would normally do for themselves if they did not have a behavioral health condition. Assistance

may be in the form of hands-on assistance for the resident, supervising, cueing, or redirecting so that the individual performs the task on their own.

(3) Personal care services are provided in accordance with an individual's assessment and the authorized plan for services made by a provider meeting the qualifications of a Qualified Mental Health Professional (QMHP) or Qualified Mental Health Associate (QMHA) as defined in OAR chapter 309 division 019.

(4) Personal care assistance relates to performance of activities of daily living (ADLs) and instrumental activities of daily living (IADLs) as defined in these rules.

(5) Personal care services may be provided on a continuing basis or on episodic occasion.

(a) For residential personal care services the Authority will pay the standardized rate in the behavioral health fee schedule in effect on the date of service.

(b) Residential personal care service are included in the per diem rate standardization described in OAR 410-172-0705.

Questions

If you have questions, please contact your assigned compliance specialist or the Mental Health Licensing & Certification Team at HSD.MH.ComplaintsTA@oha.oregon.gov.