



# Oregon

Kate Brown, Governor

**Department of Human Services**  
*Office of Licensing and Regulatory Oversight*  
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Rep. Sara Gelser  
Chair, Human Services and  
Early Childhood Committee  
900 Court St NE, S-405  
Salem, Oregon 97301



Dear Senator Gelser,

In response to your questions please see the responses below:

1. What are the criteria for being on the list?
  - i. High Severity or High quantity of Allegations/PSI*
  - ii. Special Focus Facilities*
  - iii. Preponderance of deficiencies*
  - iv. Volume of complaints*
  - v. Licensing Action*
    - ROA
    - Suspension
    - Revocation
    - Trusteeship
    - Conditions
  - vi. Denial of payment / decertification*
  - vii. Political implications*
  - viii. Media attention anticipated*
  - ix. Chronic non-compliance or "YoYo" compliance*
  
2. For how many months during the past 36 months was GUTD on the RADAR list?

*26 months*
  
3. How many other children's providers are currently on the RADAR list?

*5*
  
4. How many other children's providers have been on the RADAR list for: More than 1 month (either consecutively or non-consecutively) in the last 36 months

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5. More than 3 months in the last 36 months (either consecutively or non-consecutively)

3

6. More than 6 months in the last 36 months (either consecutively or non-consecutively)

3

7. More than 9 months in the last 36 months (either consecutively or non-consecutively)

1

8. More than 12 months in the last 36 months (either consecutively or non-consecutively)

1

9. More than 18 months in the last 36 Months (either consecutively or non-consecutively)

1

10. More than 24 months in the last 36 months (either consecutively or non-consecutively)

1

11. More than 30 months in the last 36 months ((either consecutively or non-consecutively)

1

12. When an organization is on the RADAR list, how is that communicated to the Directors office, the Child Welfare Unit, the District Offices that place children and OAPPI?

*The RADAR list is e-mailed on a monthly basis to the DHS Director, the Chief Operating Officers, the Program Directors and Deputy Directors, the Communications Director, the Director of the Office of Adult Abuse Prevention and Investigation, the Long-Term Care Ombudsman and the Legislative Office. Additionally, in the event of a serious incident, the appropriate leadership receives an e-mail from the unit specific licensing manager and/or Director as per the OLRO Communications Protocol for Serious Events.*

13. How many children's facilities for placement by the state does DHS license right now?

*Approximately 48 - DHS Licenses child-caring agencies that receive placements of children and youth referred by Child Welfare, The Oregon Youth Authority and the Coordinated Care Organizations contracted with the Oregon Health Authority. At this time we are awaiting information from OYA detailing which licensed agencies OYA currently contracts with. Based on provider lists received from the Health Authority and DHS combined with an estimate of the number of agencies contracted to serve youth referred by the Youth Authority, DHS currently licenses approximately 48 agencies that serve children placed by the state. These agencies operate residential facilities, foster care programs and/or day-treatment programs.*

14. How many of those met all of the criteria in rule and statute before being granted their initial license?

*100% - Granting of an initial license is a process. Documents and information necessary to verify compliance are submitted over time, and once all requirements are met, a license is issued. All requirements must be met before a license is issued. Not all applicants complete the process, and in those cases a license is not issued.*

15. How many of those met all of the criteria in rule and statute before having a license renewal?

*Many agencies have been licensed for decades, and records of 1<sup>st</sup> renewal after initial license are no longer available. Most agencies do not meet all requirements at the time of renewal. A new license is issued based on the standard of "substantial compliance" with applicable licensing rules. Corrective Actions an agency must take to come into complete compliance are issued at the time of renewal, and agencies have 45 days to submit documentation indicating corrective actions have been completed.*

16. How many applications for initial licensure have been denied in the last 36 months?

*None - The process eliminates those applicants that fail to meet all requirements. Unless all requirements are met, a license isn't issued. Some applicants are successful in completing the process; others are not successful.*

17. How many applications for license renewal have been denied in the last 36 months?

*None - Renewals are based on the standard of "substantial compliance" with applicable licensing requirements. Experience has taught that non-compliance must be severe and prolonged in order to deny.*

18. How many licenses have been suspended in the last 36 months?

*None - In order to suspend, DHS must determine that an agency is not in substantial compliance with applicable licensing requirements.*

19. How many licenses have been revoked in the last 36 months?

*None - In order to revoke, DHS must determine that an agency is not in substantial compliance with applicable licensing requirements. Agencies and individual programs within agencies have voluntarily closed as a direct or indirect result of compliance enforcement. Two examples of this:*

- *An agency voluntarily closed a residential facility due to enforcement of licensing prohibition against the use of unrestricted seclusion and mechanical restraints (September 2015).*
- *An agency voluntarily relinquished their license following OYA's decision to remove OYA clients from the program in response to OAPPI investigations and multiple violations of BRS and licensing requirements (September 2014).*

20. How many licenses has DHS attempted to suspend or revoke, but been unable to suspend or revoke in the last 36 months?

*One - A "Notice of Intent to Deny License" was issued to a licensed agency based on a longstanding pattern of non-compliance. The licensee requested an administrative court hearing to contest the denial. In the lead-up to the hearing DHS was advised that the licensee would likely prevail in the hearing because some of the compliance issues that existed at the time the "Intent to Deny" Notice was originally issued had been addressed by the licensee. With assistance from DOJ the Department negotiated a settlement with the agency under which DHS agree to re-license the program, and the licensee committed to addressing identified violations.*

21. How many currently operating providers are currently out of compliance with at least one licensing standard? How many children does this impact, and what percentage of children in state licensed care does this represent?

*If non-compliance is detected in the course of a site visit, corrective actions are issued and the licensee must submit evidence that the corrective action has been addressed. Compliance with the majority of licensing standards can only be determined by direct observation. It isn't possible to know at all times which providers are out of compliances*

*and which standards a given provider is out of compliance with. Site reviews provide a point-in-time assessment of compliance. There are 12 providers that were recently reviewed and have at least one corrective action for which confirmation of completion is still pending.*

22. How many currently operating providers are currently out of compliance with at least three licensing standards? How many children does this impact, and what percentage of children in state licensed care does this represent?

*If non-compliance is detected in the course of a site visit, corrective actions are issued and the licensee must submit evidence that the corrective action has been addressed. Compliance with the majority of licensing standards can only be determined by direct observation. It isn't possible to know at all times which providers are out of compliances and which standards a given provider is out of compliance with. Site reviews provide a point-in-time assessment of compliance. There are 12 providers that were recently reviewed. Of the 12 there are 10 that have at least 3 corrective actions for which confirmation of completion is still pending.*

23. How many currently operating providers are currently out of compliance with at least half of the licensing standards? How many children does this impact, and what percentage of children in state licensed care does this represent?

*If non-compliance is detected in the course of a site visit, corrective actions are issued and the licensee must submit evidence that the corrective action has been addressed. Compliance with the majority of licensing standards can only be determined by direct observation. It isn't possible to know at all times which providers are out of compliances and which standards a given provider is out of compliance with. Site reviews provide a point-in-time assessment of compliance. There are 12 providers that were recently reviewed. None of these were out of compliance with half or more of the licensing standards. The number of corrective actions among the 12 ranges from 1 to 10.*

24. When I'm speaking of standards, I'm speaking of the areas on a license application. For instance, GUTD was found to be compliant in only 2 of 9 subject areas. I'm looking at the 9, and am interested in full compliance in each of the 9 areas. If there is an element out of compliance in one of those 9 areas, that would count as non-compliant. These questions are based on the standard of full compliance with licensing rules. For instance, if an organization was not fully compliant on all standards within 5 of the 9 areas, they would be less than 50% in compliance. Likewise, if there are 45 individual standards within those 9 areas and the provider is out of compliance with 23, they would be less than 50% in compliance.

- *Neither the licensing rules nor the licensing application is divided into 9 subject areas. Child Welfare's Non-BRS Provider Review report is divided into 9 subject areas, so the paragraph above is likely referencing Child Welfare's report.*
- *The Umbrella Licensing Rules are divided into 25 different subject areas, and there are approximately 285 individual requirements contained in the rule set.*
- *The Foster Care agency licensing rules are divided into 20 separate subject areas. Approximately 270 individual requirements are contained in the rule set.*
- *The Residential Care agency licensing rules are divided into 17 separate subject areas. Approximately 270 individual requirements are contained in the rule set.*
- *Based on available data spanning the last 4 years, licensing reviews result in an average of 5.1 corrective actions per review.*

If I can provide any additional information please feel to contact me. Thank you,  
Donna