

Adult Foster Home Provider Alert

Policy updates, rule clarifications and announcements

Date: May 16, 2016

Topic: **Adult Foster Home Residency Agreement (Contract) for Medicaid Residents**

To: APD (Older Adults and Adults with Physical Disabilities)

Effective January 1, 2016, OAR chapter 411, division 004, required all Home and Community-Based Settings, including adult foster homes, to have a residency agreement with both private-paying residents and Medicaid residents. The residency agreement, also known as a residency contract, is a legally binding agreement between the licensed provider and the resident receiving care or the resident's representative. Note: The Department cannot and will not provide legal advice. Should providers seek such advice, they should consult with an attorney.

At the request of Stakeholders, and with Stakeholders' input, the Department developed a template that may be used to meet the new residency agreement requirement for APD adult foster homes. The Department's template is an optional tool for the licensee's use. It may also be used as a guide to develop the home's own contract for both Medicaid and private-pay residents. Find it at:

- APD Adult Foster Home Forms web page at:
www.oregon.gov/DHS/PROVIDERS-PARTNERS/LICENSING/APD-AFH/Pages/Forms.aspx (Search tip: "residency").
- DHS Oregon-Specific HCBS Resources web page at:
www.oregon.gov/DHS/SENIORS-DISABILITIES/HCBS/Pages/Resources-Oregon.aspx (See "APD-Related Information")

Providers who were licensed prior to January 1, 2016 have additional time to comply with this and other HCBS rules, but must meet the required standards no later than September 1, 2018. See OAR 411-050-0645 (1)(b)(D).
