

|->

Chapter 411@ DEPARTMENT OF HUMAN SERVICES, AGING AND PEOPLE WITH DISABILITIES AND DEVELOPMENTAL DISABILITIES

|->

Division 90@ NURSING FACILITIES/LICENSING - VENTILATOR ASSISTED PROGRAM (VAP)

|->

Section 411-090-0220@ Administrative Review, Complaints, Inspections, and Sanctions

411-090-0220 Administrative Review, Complaints, Inspections, and Sanctions

(1)

COMPLAINTS AND INVESTIGATIONS. The Department shall investigate complaints regarding an endorsed Ventilator Assisted Program in accordance with the Nursing Facility Licensing complaint and investigation procedures documented in OAR chapter 411, division 89.

(2)

INSPECTIONS. At the time of the Ventilator Assisted Program's regular license renewal, the Department shall inspect the Ventilator Assisted Program to determine compliance with these rules.

(3)

SANCTIONS. Sanctions for failure to comply with these rules may include the imposition of civil penalties, licensing conditions, suspension, denial, non-renewal, or revocation of the endorsement. Sanctions involving the endorsement shall be in accordance with the Nursing Facility Licensing Rules in OAR 411-089-0020 (Sanctions) applicable to the type of sanction imposed. (a) SUSPENSION. The Department may immediately suspend a Ventilator Assisted Program endorsement if the Department finds a serious threat to the public health and safety and sets forth the specific reasons for such findings. (b) DENIAL AND NON-RENEWAL OF ENDORSEMENT APPLICATION. The Department may deny or refuse to renew an

endorsement under the following circumstances: (A) Failure to demonstrate capacity as required in OAR 411-090-0120(7). (B) Substantial failure to comply with Department rules. (C) Failure to provide complete and accurate information on the application. (D) When the State Fire Marshal, or authorized representative, certifies there is failure to comply with all applicable ordinances and rules pertaining to fire safety. (E) Failure to: (i) Implement a plan of correction; (ii) Comply with a licensing or endorsement condition that ensures the safety and security of residents; or (iii) Provide the care to residents living within the Ventilator Assisted Program, such that the health, safety, or welfare of the residents is jeopardized.

(c) REVOCATION. The Department may issue a notice of revocation of endorsement upon finding there is substantial failure to comply with these rules.

(a)

SUSPENSION. The Department may immediately suspend a Ventilator Assisted Program endorsement if the Department finds a serious threat to the public health and safety and sets forth the specific reasons for such findings.

(b)

DENIAL AND NON-RENEWAL OF ENDORSEMENT APPLICATION. The Department may deny or refuse to renew an endorsement under the following circumstances: (A) Failure to demonstrate capacity as required in OAR 411-090-0120(7). (B) Substantial failure to comply with Department rules. (C) Failure to provide complete and accurate information on the application. (D) When the State Fire Marshal, or authorized representative, certifies there is failure to comply with all applicable ordinances and rules pertaining to fire safety. (E) Failure to: (i) Implement a plan of correction; (ii) Comply with a licensing or endorsement condition that ensures the safety and security of residents; or (iii) Provide the care to residents living within the Ventilator Assisted Program, such that the health, safety, or welfare of the residents is jeopardized.

(A)

Failure to demonstrate capacity as required in OAR 411-090-0120(7).

(B)

Substantial failure to comply with Department rules.

(C)

Failure to provide complete and accurate information on the application.

(D)

When the State Fire Marshal, or authorized representative, certifies there is failure to comply with all applicable ordinances and rules pertaining to fire safety.

(E)

Failure to: (i) Implement a plan of correction; (ii) Comply with a licensing or endorsement condition that ensures the safety and security of residents; or (iii) Provide the care to residents living within the Ventilator Assisted Program, such that the health, safety, or welfare of the residents is jeopardized.

(i)

Implement a plan of correction;

(ii)

Comply with a licensing or endorsement condition that ensures the safety and security of residents;

or

(iii)

Provide the care to residents living within the Ventilator Assisted Program, such that the health, safety, or welfare of the residents is jeopardized.

(c)

REVOCACTION. The Department may issue a notice of revocation of endorsement upon finding there is substantial failure to comply with these rules.

(4)

The licensee is entitled to a hearing in accordance with the provisions of ORS chapter 183 when the Department takes enforcement action on the endorsement of a Ventilator Assisted Program.