

Date: November 16, 2022

FROM: Dana Selover, MD, MPH
Section Manager

RE: Crisis Standards of Care Explanation Memo - OAR 333-505-0036, "Hospital Requirements during Emergency Impacting Standards of Care"

As the state continues to experience acute staffing shortages and respond to various emergencies impacting standard of care, the Oregon Health Authority (Authority) has proposed to amend and make permanent the temporary rule requiring hospitals to report information to the Authority and provide information to the public and to patients when implementing crisis standards of care that result in a triage decision being made for patient care. The proposed changes would make the protections applicable to all emergency situations when crisis standards of care are implemented by a hospital. This proposed permanent rule would replace the temporary rule, which is set to expire January 24, 2023 (Temporary Administrative Order PH 166-2022).

Please see the Notice of Proposed Rulemaking available at www.healthoregon.org/hcrqirules for further details on the rulemaking in process.

Hospitals in Oregon are experiencing acute staffing shortages and other emergencies such as RSV and that may require making triage decisions regarding prioritization of patient care are required to do the following:

- Provide notice to the Oregon Health Authority of the staffing emergency, as that is defined in the temporary rule. There is an online form to use for [Hospital Notification for Crisis Standards of Care Activation](#).
- Inform the public by at a minimum posting information on its website and at the hospital in conspicuous locations that there is a staffing emergency and triage decisions are being made. Information must be posted in the five most commonly spoken languages in the county where the hospital is located.

- Make available upon request, the crisis standard of care tool that the hospital is using to make triage decisions.
- Communicate a triage decision to a patient, their support person, or the individual legally authorized to act on behalf of the patient, in a language they understand and in a culturally responsive manner to the extent possible, including how the triage decision was made.
- Document specific information for each patient subject to a triage decision.
- Provide the documentation of triage decision to the Oregon Health Authority upon request.

This rule ensures that a hospital provides notice to the Authority and ensures continued transparency when difficult triage decisions are being made, and there is accountability for the decisions.

The temporary rule OAR 333-505-0036 expires on January 24, 2023. Any revisions to these requirements due to the proposed rulemaking will be shared accordingly.

Document accessibility: For individuals with disabilities or individuals who speak a language other than English, OHA can provide information in alternate formats such as translations, large print, or braille. Contact our office at 1-971-673-0540 or mailbox.hclc@odhsoha.oregon.gov.