

Secretary of State  
**NOTICE OF PROPOSED RULEMAKING HEARING\***  
A Statement of Need and Fiscal Impact accompanies this form.

<b>Department of Human Services, Office for Oregon Health Policy and Research</b>	<b>409</b>
Agency and Division	Administrative Rules Chapter Number
<b>Zarie Haverkate</b>	<b>503-373-1574</b>
Rules Coordinator	Telephone

**RULE CAPTION**

**Establishment of the Oregon Healthcare Workforce Database**

Not more than 15 words that reasonably identifies the subject matter of the agency's intended action.

	<b>Mt. Neahkanie Room, 1<sup>st</sup> floor</b>		
<b>December 16, 2009</b>	<b>9:00 to 10:00 am</b>	<b>1225 Ferry Street SE Salem, OR 97301</b>	<b>Zarie Haverkate</b>
Hearing Date	Time	Location	Hearings Officer

*Auxiliary aids for persons with disabilities are available upon advance request.*

**RULEMAKING ACTION**

Secure approval of new rule numbers (Adopted or Renumbered rules) with the Administrative Rules Unit prior to filing.

**ADOPT: OAR 409-026-0100, 409-026-0110, 409-026-0120, 409-026-0130, and 409-026-0140**

**Stat. Auth. : ORS 409.050 and 2009 Or. Laws Chapter 595 (HB 2009, Sections 1174-1178)**

**Stats. Implemented: Or. Laws Chapter 595 (HB 2009, Sections 1174-1178)**

**RULE SUMMARY**

The Department of Human Services, Office for Oregon Health Policy and Research, is proposing to adopt administrative rules to govern the healthcare workforce data mandates of HB 2009, passed during the 2009 legislative session. The Office for Oregon Health Policy and Research will administer the Oregon Healthcare Workforce Database.

Proposed rules are available on the OHPR Website: <http://www.oregon.gov/OHPPR/rulemaking/index.shtml>  
For hardcopy requests, call: (503) 373-1574.

The Agency requests public comment on whether other options should be considered for achieving the rule's substantive goals while reducing the negative economic impact of the rule on business.

**December 18, 2009, 5:00 pm**

**Last Day for Public Comment** (Last day to submit written comments to the Rules Coordinator)

	<b>Zarie Haverkate, OHPR Rules Coordinator</b>	<b>11/9/09</b>
Signature	Printed name	Date

\*Hearing Notices published in the Oregon Bulletin must be submitted by 5:00 pm on the 15th day of the preceding month unless this deadline falls on a weekend or legal holiday, upon which the deadline is 5:00 pm the preceding workday. ARC 920-2005

**STATEMENT OF NEED AND FISCAL IMPACT**

A Notice of Proposed Rulemaking Hearing or a Notice of Proposed Rulemaking accompanies this form.

**Department of Human Services, Office for Oregon Health Policy and Research (OHPR)**

**409**

Agency and Division

Administrative Rules Chapter Number

In the Matter of:

**The proposed adoption of OAR 409-026-0100, 409-026-0110, 409-026-0120, 409-026-0130, and 409-026-0140.**

Rule Caption: (Not more than 15 words that reasonably identifies the subject matter of the agency's intended action.)

**Establishment of the Oregon Healthcare Workforce Database**

Statutory Authority: Or. Laws Chapter 595 (HB 2009, Sections 1174-1178)

Stats. Implemented: Or. Laws Chapter 595 (HB 2009, Sections 1174-1178)

Need for the Rule(s):

**These rules are needed to implement the healthcare workforce data mandates of HB 2009, which was enacted by the 75th Legislative Assembly. The proposed rules are intended to fulfill this mandate by stipulating the healthcare workforce information that must be reported, how it is reported, and the fees associated with data analysis and maintenance.**

Documents Relied Upon, and where they are available:

**HB 2009, available at: <http://www.leg.state.or.us/09reg/measpdf/hb2000.dir/hb2009.en.pdf>, pages 526-528.**

Fiscal and Economic Impact:

**HB 2009 authorizes the establishment of fees—to be paid by individual licensees—that are reasonably calculated to reimburse the actual cost of maintaining, analyzing, and reporting healthcare workforce information. The Office of Health Policy and Research (OHPR) has set a maximum of \$5 per license for this fee. The healthcare workforce regulatory boards may incur separate costs to amend their systems to collect and submit the required healthcare workforce information to OHPR.**

Statement of Cost of Compliance:

1. Impact on state agencies, units of local government and the public (ORS 183.335(2)(b)(E)):

**There are no compliance mandates for state agencies other than OHPR. The direct costs of maintaining, analyzing and reporting the healthcare workforce information required by HB 2009 are expected to be offset by the fees authorized in HB 2009 and described above. Individual healthcare professionals renewing their licenses may be affected by a licensure fee increase of no more than \$5.00 but it is not known precisely how many healthcare professionals will be impacted.**

2. Cost of compliance effect on small business (ORS 183.336):

a. Estimate the number of small businesses and types of business and industries with small businesses subject to the rule:

**The individuals and healthcare workforce regulatory boards affected by these rules do not meet the statutory definition of small businesses (ORS 183.310(10)). The rule implements no specific compliance mandates for small businesses.**

b. Projected reporting, record keeping and other administrative activities required for compliance, including costs of professional services: **N/A**

c. Equipment, supplies, labor and increased administration required for compliance: **N/A**

How were small businesses involved in the development of this rule? **N/A**

Administrative Rule Advisory Committee consulted?: If not, why?:

**Yes. The advisory committee included members representing every healthcare workforce regulatory board required to report workforce information under the rule, as well as the Oregon Healthcare Workforce Institute and the Employment Department.**

*Zarie Haverkate*

Zarie Haverkate, OHPR Rules Coordinator

11/9/09  
Date

Signature

Printed name

Administrative Rules Unit, Archives Division, Secretary of State, 800 Summer Street NE, Salem, Oregon 97310. ARC 925-2007

**CHAPTER 409**  
**DEPARTMENT OF HUMAN SERVICES**  
**OFFICE FOR OREGON HEALTH POLICY AND RESEARCH**

**DIVISION 26**  
**OREGON HEALTHCARE WORKFORCE DATABASE**

**409-026-0100**

**Definitions**

The following definitions apply to OAR 409-026-0100 to OAR 409-026-0140:

- (1) “Administrator” means the Administrator of the Office for Oregon Health Policy and Research.
- (2) “Electronic media” means an electronic data storage medium.
- (3) “Healthcare workforce information” means data collected using the license renewal process for selected Oregon healthcare professionals.
- (4) “Healthcare workforce regulatory board” means the Occupational Therapy Licensing Board, Oregon Medical Board, Oregon State Board of Nursing, Oregon Board of Dentistry, Physical Therapist Licensing Board, State Board of Pharmacy, and the Board of Examiners of Licensed Dietitians.
- (5) “Office” means the Office for Oregon Health Policy and Research.

Stat. Auth.: 2009 Or. Laws Chapter 595 (HB 2009, Sections 1174-1178)

Stat. Implemented: 2009 Or. Laws Chapter 595 (HB 2009, Sections 1174-1178)

**409-026-0110**

**Data Elements**

- (1) Pursuant to 2009 Or. Laws Chapter 595 (HB 2009, Section 1174), a healthcare workforce regulatory board shall collect healthcare workforce information specified by the office. The information shall include but is not limited to the following:
  - (a) Gender;
  - (b) Race;
  - (c) Ethnicity
  - (d) Date of birth;
  - (e) Educational background;

- (f) Specialty training or certification;
  - (g) Practice status;
  - (h) Practice type and setting;
  - (i) Geographic location of practice; and
  - (j) Future practice plans.
- (2) The healthcare workforce information required by the office may not include any information relating to licensees' disciplinary actions or criminal background.
- (3) The office shall determine healthcare workforce information data elements and specifications annually and communicate the information to the healthcare workforce regulatory boards no later than July 1 each year.

Stat. Auth.: 2009 Or. Laws Chapter 595 (HB 2009, Sections 1174-1178)

Stat. Implemented: 2009 Or. Laws Chapter 595 (HB 2009, Sections 1174-1178)

**409-026-0120**

**Reporting Schedule and Format**

- (1) Collection of the healthcare workforce information required by this rule shall begin on the following dates:
- (a) For healthcare professionals licensed by the Oregon Medical Board; October 1, 2009;
  - (b) For healthcare professionals licensed by the Oregon State Board of Nursing; May 1, 2009;
  - (c) For healthcare professionals licensed by the Oregon Occupational Therapy Licensing Board, the Oregon Board of Dentistry, the Physical Therapy Licensing Board, the State Board of Pharmacy, or the Board of Examiners of Licensed Dietitians; for license renewal periods on or after January 1, 2010.
- (2) Healthcare workforce regulatory boards shall submit the healthcare workforce information required by this rule to the office according to the following schedule:
- (a) For healthcare workforce regulatory boards with a fixed licensing period or periods, the information shall be submitted within 90 days of the close of each period;

- (b) For healthcare workforce regulatory boards with rolling licensing periods, the information shall be submitted annually, no later than January 31 of the year following the license renewal year.
- (3) The healthcare workforce information shall be submitted in one file that includes unique records for each individual license renewed during the reporting period.
- (4) The records must be assembled in the format proscribed by the office and must be submitted electronically or on electronic media.

Stat. Auth.: 2009 Or. Laws Chapter 595 (HB 2009, Sections 1174-1178)

Stat. Implemented: 2009 Or. Laws Chapter 595 (HB 2009, Sections 1174-1178)

**409-026-0130**

**Fees**

- (1) Pursuant to 2009 Or. Laws Chapter 595 (HB 2009, Section 1175), the administrator shall establish a per-license fee to cover the cost of collecting and reporting healthcare workforce information. The fee shall be calculated biennially by adding the costs necessary to compile, maintain, and analyze the healthcare workforce information and dividing that cost by the approximate number of individuals licensed each biennium.
- (2) At the request of the administrator, a healthcare workforce regulatory board shall provide the office with the number of individuals licensed in a biennium, to assist with fee calculation.
- (3) The fee shall not exceed \$5.00 per license, per biennium. If the per-license fee calculation results in a figure above \$5.00, the office shall review the process for calculating the fee with a stakeholder group with representation from each healthcare workforce regulatory board.
- (4) The healthcare workforce information fees collected by healthcare workforce regulatory boards shall be paid to the office at least once per biennium, on a schedule agreed to by the office and each healthcare workforce regulatory board.
- (5) Late payments are subject to recovery in accordance with the laws of the State of Oregon.

Stat. Auth.: 2009 Or. Laws Chapter 595 (HB 2009, Sections 1174-1178)

Stat. Implemented: 2009 Or. Laws Chapter 595 (HB 2009, Sections 1174-1178)

**409-026-0140**

**Data Access**

- (1) For purposes of planning or analysis, the office may share de-identified, individual-level healthcare workforce data with other state agencies, including but not limited to:

ADOPT

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- (a) Agencies, offices or contractors of the Oregon Health Authority.
  - (b) The Oregon Employment Department.
- (2) The office may not provide individual-level public data sets to a non-governmental agency without written consent from the relevant healthcare workforce regulatory board.

Stat. Auth.: 2009 Or. Laws Chapter 595 (HB 2009, Sections 1174-1178)

Stat. Implemented: 2009 Or. Laws Chapter 595 (HB 2009, Sections 1174-1178)