

OFFICE OF THE SECRETARY OF STATE

SHEMIA FAGAN  
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ARCHIVES DIVISION

STEPHANIE CLARK  
DIRECTOR

800 SUMMER STREET NE  
SALEM, OR 97310  
503-373-0701

**NOTICE OF PROPOSED RULEMAKING**  
INCLUDING STATEMENT OF NEED & FISCAL IMPACT

CHAPTER 337  
BOARD OF MEDICAL IMAGING

**FILED**

10/24/2022 1:21 PM  
ARCHIVES DIVISION  
SECRETARY OF STATE

FILING CAPTION: Compliance with HB 2359 (2021)

LAST DAY AND TIME TO OFFER COMMENT TO AGENCY: 01/27/2023 9:00 AM

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

CONTACT: Stacy Katler  
971-673-0216  
stacy.l.katler@state.or.us

800 NE Oregon St. Suite 1160A  
Portland, OR 97232

Filed By:  
Stacy Katler  
Rules Coordinator

HEARING(S)

*Auxiliary aids for persons with disabilities are available upon advance request. Notify the contact listed above.*

DATE: 01/27/2023

TIME: 8:00 AM - 9:00 AM

OFFICER: Stacy Katler

ADDRESS: Stacy Katler

800 NE Oregon St. Suite 1160A

Portland, OR 97232

SPECIAL INSTRUCTIONS:

ZOOM ONLY

NEED FOR THE RULE(S)

To Provide rule for Compliance with HB 2359 (2021), Health Care Interpreter Requirements

DOCUMENTS RELIED UPON, AND WHERE THEY ARE AVAILABLE

HB 2359 (2021)

STATEMENT IDENTIFYING HOW ADOPTION OF RULE(S) WILL AFFECT RACIAL EQUITY IN THIS STATE

There is no impact anticipated for these changes.

FISCAL AND ECONOMIC IMPACT:

There is no fiscal impact anticipated for these changes.

COST OF COMPLIANCE:

(1) Identify any state agencies, units of local government, and members of the public likely to be economically affected by the rule(s). (2) Effect on Small Businesses: (a) Estimate the number and type of small businesses subject to the rule(s); (b) Describe the expected reporting, recordkeeping and administrative activities and cost required to comply with the rule(s); (c) Estimate the cost

of professional services, equipment supplies, labor and increased administration required to comply with the rule(s).

Small businesses or other members of the public costs are not estimated due to the uncertainty of impact. No Expected costs for professional services, equipment supplies, labor or increased administration.

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DESCRIBE HOW SMALL BUSINESSES WERE INVOLVED IN THE DEVELOPMENT OF THESE RULE(S):

Small Businesses are not involved with these rule changes.

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WAS AN ADMINISTRATIVE RULE ADVISORY COMMITTEE CONSULTED? NO IF NOT, WHY NOT?

Rule Requirements per HB 2359 (2021)

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ADOPT: 337-030-0035

RULE SUMMARY: To Provide rules for Compliance with HB 2359 (2021)

CHANGES TO RULE:

### 337-030-0035

#### Health Care Interpreter Rules

(1) Except as provided in subsection (a) of this section, a licensee who is reimbursed with public funds shall work with a health care interpreter from the health care interpreter registry administered by the Oregon Health Authority under ORS 413.558 when communicating with a patient who prefers to communicate in a language other than English, unless the licensee is proficient in the patient's preferred language.¶

(a) A licensee who is otherwise required to work with a health care interpreter from the health care interpreter registry may work with a health care interpreter who is not listed on the health care interpreter registry only if the provider:¶

(A) Is employed by an education provider that provides education services to children from birth through age 21 and the interpreter is provided by the education provider in accordance with the education provider's requirements;¶

(B) Verifies, in writing, that the licensee has taken the appropriate steps needed to obtain a health care interpreter from the health care interpreter registry in accordance with the rules adopted by the Oregon Health Authority under ORS 413.558; or¶

(C) Has offered the patient the services of a health care interpreter from the health care interpreter registry and the patient declined the offer and chose a different interpreter.¶

(b) A licensee shall give personal protective equipment, consistent with established national standards, to health care interpreters providing services on-site at no cost to the health care interpreter and may not suggest to the health care interpreter that the health care interpreter should procure the health care interpreter's own personal protective equipment as a condition of working with the licensee.¶

(c) A licensee shall maintain records of each patient encounter in which the provider worked with a health care interpreter from the health care interpreter registry. The records must include:¶

(A) The name of the licensee;¶

(B) The health care interpreter's registry number; and¶

(C) The language interpreted.¶

(2) For the purposes of this rule, education provider is defined as:¶

(a) A school district, as defined in ORS 332.002.¶

(b) The Oregon School for the Deaf.¶

(c) An educational program under the Youth Corrections Education Program.¶

(d) A public charter school, as defined in ORS 338.005.¶

(e) An education service district, as defined in ORS 334.003.¶

(f) Any state-operated program that provides educational services to students.¶

(g) A private school.

Statutory/Other Authority: ORS 688.555

Statutes/Other Implemented: ORS 688.525