

Rulemaking and 2021 Legislation

This list summarizes all bills from the 2021 legislative session which OHA has a role in implementing and which require administrative rulemaking ([Oregon Administrative Rules](#)). Please note that this document is a work in progress, and will be updated if additional rulemaking is identified. For more information, please contact the person listed for the bill of interest (email addresses and phone numbers at the end), or visit the [OHA rulemaking webpage](#).

This document is tentative and subject to change. Some bills may be added or removed, as it is determined whether or not rulemaking is necessary. Dates for Rule Advisory Committees (RACs) and for completed rules are subject to change as more detailed rulemaking plans are developed. The dates for completed rules generally are based on the effective or operative date of the bill. RACs generally would be organized several months prior to the date for the completed rule.

Bill #	Bill topic	Rulemaking (Rule Advisory Committee required?)	Date for RAC and for completed rule	Division, contact
Bills with RACs planned in 2021 or 2022				
HB 2072	Home health licensing fees	Current OARs will need to be amended to refer to statute for corrected fees; RAC likely not needed to be consulted unless other changes are made to home health licensing rules	RAC: In 2021, date to be determined Rule: 1/1/2022	PHD Belle Shepherd
HB 2075	Establishes vendor license and annual fee for radiation devices and equipment	Rulemaking needed on vendor license and increase of fees in rule; Radiation Advisory Committee will serve as RAC	RAC: In 2021, date to be determined Rule: 1/1/2022	PHD Belle Shepherd
HB 2077	Remediating lead-based paint hazards	Rulemaking needed for stop work orders and lead abatement at rental properties and child facilities where improper work practices create a lead paint hazard; RAC needed	RAC: In 2021, date to be determined Rule: 1/1/2022	PHD Belle Shepherd
HB 2081	Modifies Health Care Cost Growth Target program and Health Care Cost Growth Target	Rulemaking needed for Performance Improvement Processes (PIPs) for cost growth target accountability, and for financial penalties for payers and provider organizations who exceed the cost growth target	RAC: Tentatively may be between 07/1/2022 and 12/31/2022 Rule: 12/31/2022	HPA Jeff Scroggin

Bill #	Bill topic	Rulemaking (Rule Advisory Committee required?)	Date for RAC and for completed rule	Division, contact
HB 2315	Directs OHA and specified professional regulatory boards to require licensees regulated by authority or board to complete six hours of continuing education related to suicide risk assessment, treatment and management at specified intervals and to report completion of continuing education to authority or board.	Rulemaking needed; RAC needed	RAC: Expected 1/31/2022 Rule: 3/2022	HSD – BH Tristan Fernandez
HB 2362	Requires approval from DCBS or OHA before mergers, acquisitions, contracts, or affiliations of health care entities	Rulemaking required on various elements of the approval process	RAC: Tentatively on 10/25/2021 and 11/4/2021 Rule: 3/1/2022	HPA Jeff Scroggin
HB 2417	Behavioral health crisis system, 9-8-8	Rulemaking required on requirements for crisis stabilization centers, call centers, services necessary to stabilize an individual experiencing a behavioral health crisis, and mobile crisis intervention teams; RACs needed	RAC: Anticipated in 12/2021 Rule: 3/1/2022	HSD – BH Tristan Fernandez
HB 2508	Prescribes requirements for reimbursement by OHA and CCOs of health services delivered using telemedicine	Rulemaking is Medicaid needed to ensure that CCOs reimburse the cost of health services delivered using telemedicine	Rule: Completed	HSD-Med Belle Shepherd
HB 2517	Requiring CCOs to report annually number of requests for prior authorization received and the number denied	Rulemaking required to codify report requirement	RAC: 9/15/2021 Rule: 6/1/2022	HSD-Med Belle Shepherd
HB 2528	Directs Oregon Board of Dentistry to issue dental therapist license to qualified applicant	Rulemaking required by Board of Dentistry; OHA will participate	RAC: Tentatively in 10/2021 Rule: 1/1/2022	PHD Belle Shepherd
HB 2619	Authorizes licenses to practice genetic counseling; new program under PHD Health Licensing Office	Rulemaking required on licensing process and requirements; RAC needed	Rule: Complete	PHD Belle Shepherd
HB 2627	Allows expanded practice dental hygienist to perform interim therapeutic restoration	Rulemaking required by Board of Dentistry; OHA is currently participating	RAC: In 2021, date to be determined Rule: 1/1/2022	PHD Belle Shepherd

Bill #	Bill topic	Rulemaking (Rule Advisory Committee required?)	Date for RAC and for completed rule	Division, contact
HB 2949	Behavioral health workforce	Rulemaking required on incentives to increase recruitment and retention of culturally responsive behavioral health service providers, grants to provide supervised clinical experience, and payment of costs incurred by the supervisor in providing supervision; RAC needed	RAC: Tentatively in spring 2022 Rule: To be determined in 2022	HSD – BH Tristan Fernandez
HB 2970	Cosmetology and Certified Advanced Esthetics scope of practice and devices; long Term Care Administrators educational requirements	Rulemaking required; RAC needed	RAC: Held 11/10/21 Rule: 1/1/2022	PHD Belle Shepherd
HB 3000	Defines "adult use cannabis item," "artificially derived cannabinoid," "delta-9-tetrahydrocannabinol" and "total delta-9-tetrahydrocannabinol"	Rulemaking required for change to definition, and parameter changes for potency testing; additional rulemaking may be needed depending on outcome of the task group, and if so, RAC needed	RAC: In 2021, date to be determined Rule: 1/1/2022	PHD Belle Shepherd
HB 3016	Allows suspension of hospital nurse staffing plan during emergency declaration	Rulemaking needed to update; Nurse Staffing Advisory Board is the advisory committee	RAC: In 2021, date to be determined Rule: 1/1/2022	PHD Belle Shepherd
HB 3036	Allows physician assistant to register with Oregon Medical Board for authority to dispense prescription drugs; replaces supervising physician requirements with collaboration agreement requirements	Rulemaking needed; RAC needed	RAC: In 2021, date to be determined Rule: 7/15/2022	PHD Belle Shepherd
HB 3037	Directs medical examiner to report deaths from suicide of decedents 24 or younger	Rulemaking required	RAC: To be determined Rule: 4/1/2022	
HB 3046	Behavioral health parity	Rulemaking required to publish a list of behavioral health services that may not be subject to Prior Authorization; RAC needed	RAC: 9/15/2021 Rule: 12/1/2022	HSD – Med Belle Shepherd
HB 3352	Cover All People	Rulemaking required to set criteria to restrict eligibility for Cover All People to specific categories or groups of individuals, based on recommendations of the Health Care for All work group (ORS 413.201(3))	RAC: To be determined Rule: 7/1/2022	HSD-Med Belle Shepherd
HB 3369	Allows nurse to discuss medical use of marijuana with patients and expands the list of providers who can recommend medical marijuana	Rulemaking needed; RAC needed	RAC: In 2021, date to be determined Rule: 1/1/2022	PHD Belle Shepherd

Bill #	Bill topic	Rulemaking (Rule Advisory Committee required?)	Date for RAC and for completed rule	Division, contact
SB 96	Expands OHA's authority over testing to include establishing testing standards for industrial hemp-derived vapor items.	Rulemaking needed; RAC needed	RAC: In 2021, date to be determined Rule: 1/1/2022	PHD Belle Shepherd
SB 307	Waives fees for obtaining medical marijuana card for veterans	Rulemaking needed to update fee change; RAC needed	RAC: In 2021, date to be determined Rule: 1/1/2022	PHD Belle Shepherd
SB 408	Moves authority to set concentration limits from OHA to OLCC	Rulemaking needed in coordination with OLCC; RAC needed	RAC: Held 8/2021 and 9/2021 Rule: 1/1/2022	PHD Belle Shepherd
SB 551	Health benefits for part-time faculty members	Rulemaking needed to clarify eligibility and enrollment in PEBB and OEGB plans; may need temporary rules, if not able to complete by 10/1/2021; RAC needed, will involve universities and community colleges	RAC: Held 8/19/2021 Temporary rule enacted Rule: 10/1/2021	PEBB/OEGB Jeff Scroggin
SB 563	Modifies laws relating to youth suicide intervention and preventio	Rulemaking needed, will ask for expedited process without a public hearing	No RAC Rule: 2/13/2022	HSD-BH Tristan Fernandez
SB 587	Tobacco retail license	Rulemaking needed by Department of Revenue on licensing requirements and by OHA on fees; RAC needed	RAC: In 2021, date to be determined Rule: 1/1/2022	PHD Belle Shepherd
SB 710	Modifies allowed and prohibited uses of restraint of children in care by certain programs. RAC needed	Rulemaking needed by both OHA and ODHS; RAC needed	RAC: Tentatively expected 1/2022 Rule: 3/1/2022	HSD – BH Tristan Fernandez
SB 748	Requires PEBB, OEGB, and private insurers to provide coverage to adult disabled children of insureds	Rulemaking needed to clarify eligibility for disabled dependents in OEGB and PEBB; RAC needed	RAC: In 2021, date to be determined Rule: 1/1/2022	PEBB/OEGB Jeff Scroggin

Bills with RACs planned for after 2022 or to be determined				
HB 2078	HPA Housekeeping: Repeals electronic credentialing information program	Rulemaking needed related to Common Credentialing Program repeal, and to reflect new pain management curriculum requirements	RAC: Tentatively in 10/2021 Rule: 12/31/2026	HPA Jeff Scroggin
HB 2086	Behavioral health accountability	Rulemaking needed on medical assistance reimbursement for tribal-based practices, contract changes and metrics, children's system data, requirements for CCOs to provide housing navigation services and address the social determinants of health, workforce training and endorsements or certifications for providers of co-occurring disorder treatment, minimum rates of reimbursement paid to addiction treatment providers, the administrative burden of documentation and reporting, one-time start-up funding for behavioral health treatment programs that provide integrated co-occurring disorder treatment, reimbursing the cost of co-occurring mental health and substance use disorder treatment services paid through fee-for-service basis, and culturally responsive behavioral health services; RACs needed	RAC and Rule: To be determined	HSD – BH Tristan Fernandez
HB 2333	Information regarding prescription of psychotropic medications to children in foster care	DHS rulemaking may be needed; OHA will support	RAC and Rule: To be determined	OIS Belle Shepherd
HB 2359	Health Care Interpretation	Rulemaking needed for implementation of various sections; RAC needed	RAC: Tentatively scheduled 1/10/22 and 1/17/22 Rule: To be determined	OEI Jeff Scroggin
HB 2469	Mental health wellness appointments	Rulemaking needed to prescribed mental health wellness appointments to be provided by CCOs	RAC and Rule: To be determined	HSD-BH Tristan Fernandez
HB 2842	Healthy Homes program	Rulemaking required to outline processes and procedures required to implement this new program awarding grants to third party organizations delivery home rehabilitation, weatherization and other improvements that support healthy home environments for communities with environmental justice factors; RAC needed	RAC and Rule: To be determined	OIS Belle Shepherd

HB 2980	Peer respite pilot for culturally responsive services	Rulemaking required for safety and health issues, and possibly certification or licensing; RAC needed	RAC and Rule: To be determined	HSD – BH Tristan Fernandez
HB 3045	Delays OHA authority to promote preferred mental health drugs and requires new patient protections once in place	Rulemaking needed; Mental Health Clinical Advisory Group and Pharmacy & Therapeutics Committee are the advisory committees	RAC: To be determined Rule: 1/1/2026 (authority is delayed until then)	HSD – Med
HB 3159	Data on race, ethnicity, preferred spoken and written languages, disability status, sexual orientation and gender identity	Rulemaking required on standards for collecting, securely transmitting and reporting the data, timelines for collection and submission of data, permitting reports to that a patient refused to answer the questions; criteria for extensions of timelines; and criteria for exempting certain health care providers	RAC and Rule: To be determined	OIS Belle Shepherd
HB 3353	Permits CCOs to use global budgets to improve health equity	Upon receipt of approval from CMS, rulemaking required in accordance with the terms of the approval	RAC and Rule: To be determined	HPA Jeff Scroggin
HB 5024 and M109 (passed 11/2020)	Oregon Psilocybin Services	Rulemaking needed to develop regulatory framework for implementation of M109 by OHA, including to license and regulate the manufacturing, transportation, delivery, sale and purchase of psilocybin products and the provision of psilocybin services	RAC: To be determined Rule: Varies based on rulemaking timeline under development by OPS team	PHD Belle Shepherd
SB 64	Public health housekeeping	Rulemaking needed for tobacco retail inspections; RAC needed	RAC and Rule: To be determined	PHD Belle Shepherd
SB 70	Expands regional health equity coalitions	Rulemaking needed to define "communities of color"	RAC and Rule: To be determined	OEI Jeff Scroggin
SB 556	On-site inspections changed to in-person inspections	Rulemaking needed to align with changes made to statute by replacing "on-site" with "in-person"	RAC: To be determined Rule: Rules will be amended for each facility type as rule revisions are made on other topics	PHD Belle Shepherd
SB 698	Requiring opioid treatment centers to accept Medicare payments. RAC needed	Rulemaking needed to establish requirement; RAC needed	RAC and Rule: To be determined	HSD – BH Tristan Fernandez
SB 755	Clarifies implementation of Measure 110	Rulemaking is required by the Oversight and Accountability Council; OHA will support	RAC and Rule: To be determined	HSD – BH Tristan Fernandez

Bill previously listed in this summary, but determined that there will not be rulemaking or that rulemaking will be done by other agencies

SB 72	Circumstances in which physician may disregard principals wishes regarding mental health treatment
SB 86	Licensing of residential training facilities
SB 205	Commitment of person who is extremely dangerous person with mental illness
SB 206	Modifies procedures for conditional release of person found guilty except for insanity
SB 220	Prescribes formalities for remote attestation of writing
SB 295	Defines terms related to fitness to proceed
SB 781	Modifies provisions relating to providing results of tests to patient

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