
LC 428: Public Health Housekeeping

This legislative concept includes a variety of housekeeping measures that codify small procedural changes in public health statutes.

Oregon Psilocybin Services

ORS 475A.380 requires that OHA adopt minimum standards of education and training requirements for psilocybin facilitators. In addition, it requires psilocybin facilitator training programs to send a copy of their curriculum to the Oregon Department of Education. The Oregon Department of Education (ODE) does not have a reason to collect curriculum, as OHA has the authority to adopt rules and approve curriculum. ODE does not license or regulate psilocybin facilitator training programs and has agreed that the removal of this language is appropriate.

Licensing Statutes for Home Care

Licensing statutes for home health agencies, caregiver registries, in-home care agencies, and hospice programs require either an in-person inspection or on-site inspection. These providers offer care in patient homes and therefore do not benefit from an on-site review for initial licensing.

This legislative concept will:

- ▶ Clarify in statute that initial licensure surveys may be conducted off-site for facility types that provide care in a patient's or client's home. This will reduce travel needs and allow programs to be more efficient with existing resources.
- ▶ Remove reference to "on-site" investigation for investigation of possible hospital nurse staffing laws violations. This will allow nurse staffing complaint investigations to be conducted remotely and in timely manner. This was unanimously requested by the Oregon Nurse Staffing Advisory Board.

Sharing Regulatory Information to Protect Patients

There is a gap in OHA's ability to share regulatory information with other state agencies. Current statute, ORS 443.355(3), provides that OHA investigations are confidential and not subject to public disclosure. OHA is only allowed to release a report of its findings and may use information in a judicial or administrative proceeding regarding the licensing of an in-home care agency (IHCA).

However, there are specific times when regulatory information needs to be shared or reported to other agencies to help patients. Examples include when an inspection identifies a possible case of Medicaid fraud that needs to be reported to protect an individual and prevent future fraud from occurring. The Oregon Department of Justice has recommended revising statutes

providing OHA authority to disclose confidential information to federal and state agencies for purposes of Medicaid administration, as well as allowing OHA to report negligent or concerning information to applicable regulatory boards.

Hemodialysis Technician Certification

Hemodialysis technician certification statutes are outdated and do not provide proper statutory authority. Concerns include:

- ▶ Definitions do not align with current practice.
- ▶ The Oregon Health Authority does not currently have statutory authority to conduct a criminal background check to protect patients during the licensing process.
- ▶ There are confusing conflicts between current provisional certifications and emergency provisional certifications due to the COVID-19 pandemic that this legislative concept will resolve.

The legislative concept will update hemodialysis certification statutes to:

- ▶ Revise the definition for 'dialysis facility or center' to align with ORS chapter 442.
- ▶ Remove the definition for the term "end stage renal disease" which does not appear to be necessary as the term is not used in any statute.
- ▶ Revise current statutes to give OHA explicit authority to conduct a nationwide background check through the collection of fingerprints.
- ▶ Revise statutes to allow OHA to issue temporary or provisional certification to practice during a declared emergency.

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