

**OREGON ADMINISTRATIVE RULES
OREGON HEALTH AUTHORITY, PUBLIC HEALTH DIVISION
CHAPTER 333**

**DIVISION 271
NON-OPIOID DIRECTIVE**

OAR 333-271-0000

Applicability

- (1) The purpose of these rules is to allow an individual to voluntarily document with a health care provider the individual's wish not to receive opioid medications.
- (2) A health care provider or facility may not require an individual to sign a nonopioid directive in order to receive health care services.

OAR 333-271-0005

Definitions

- (1) "Emergency medical services provider" has the meaning given that term in ORS 682.025.
- (2) "Health care facility" has the meaning given that term in ORS 442.015.
- (3) "Health care advocate" had the meaning give that term in ORS 127.765.
- (4) "Health care provider" has the meaning given that term in ORS 127.505.
- (5) "Health care representative" has the meaning given that term in ORS 127.505.
- (6) "Health care professional" has the meaning given that term in ORS 127.505.
- (7) "Non-opioid directive" means a form that describes an individual's wishes to avoid opioids that should be shared across their health care team.

OAR 333-271-0010

Recording a nonopioid directive form

- (1) A health professional presented with a nonopioid directive must, without undue delay, record the directive **in** the individual's medical record.
- (2) A nonopioid directive must be recorded in a manner, whether paper or electronic, that makes the directive available to other health professionals who may review the record.
- (3) A nonopioid directive may be incorporated into an existing patient form or other documentation used by the health care provider or health care facility.
- (4) A nonopioid directive may be presented by an individual, a health care advocate (as defined in ORS 127.765) or a health care representative (as defined in ORS 127.505).

OAR 333-271-0020

Revoking a nonopioid directive form

- (1) A nonopioid directive form filed by an individual may be revoked at any time and in any manner by which that individual is able to communicate their intent to revoke the form.
- (2) A nonopioid directive form filed by a health care advocate or health care

representative may be revoked at any time by issuing the revocation in writing and providing the revocation to the individual's health care provider.

(3) An individual, health care representative or health care advocate, may, but are not required to, use the nonopioid directive form to revoke a directive.

OAR 333-271-0030

Confidentiality Provisions

A health professional who records, discloses, distributes, or otherwise interacts with a nonopioid directive form is required to abide by all relevant state and federal laws, rules, and regulations applicable to confidentiality of other similar health data.

OAR 333-271-0040

Exemptions

A nonopioid directive does not preclude administration or prescription of opioids when any of the following are met:

- (1) The opioid is administered or prescribed to treat the individual for a substance use disorder;
- (2) The criteria set forth by ORS 127.690 are met.
- (2) The opioid is administered or prescribed to an individual who is a hospice patient;
- (3) The individual is being treated at a hospital or, if an emergency, outside the hospital AND if in the health care provider's professional opinion, the administration of the opioid is medically necessary to treat the individual;
- (4) If the opioid is for intraoperative use; or
- (5) The individual is being treated at a skilled nursing facility.

OAR 333-271-0050

Liability Protections

- (1) The individuals and entities listed in section (2) of this rule are not subject to civil liability, criminal liability, or professional disciplinary action for failing to administer, prescribe, or dispense an opioid, or for the inadvertent administration of an opioid, to an individual who has executed a nonopioid directive form or who has had a nonopioid directive form executed on the individual's behalf, provided the act or omission occurred in good faith.
- (2) The protections described in section (1) apply to:
 - (a) A health care provider whose scope of practice includes the prescribing, administering, or dispensing of a controlled substance;
 - (b) A health care facility;
 - (c) An employee of a health care provider;
 - (d) An employee of a health care facility; or
 - (e) Emergency medical services providers.