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**TEMPORARY ADMINISTRATIVE ORDER**  
INCLUDING STATEMENT OF NEED & JUSTIFICATION

**HLO 2-2022**

CHAPTER 331

OREGON HEALTH AUTHORITY

HEALTH LICENSING OFFICE

**FILED**

03/24/2022 9:28 AM  
ARCHIVES DIVISION  
SECRETARY OF STATE  
& LEGISLATIVE COUNSEL

FILING CAPTION: Temporary licensing for out-of-state respiratory therapists.

EFFECTIVE DATE: 04/01/2022 THROUGH 09/27/2022

AGENCY APPROVED DATE: 03/18/2022

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Filed By:

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**NEED FOR THE RULE(S):**

On March 8, 2020, Oregon Governor declared a state of emergency due to the coronavirus (COVID-19) outbreak in Oregon. In accordance with ORS 676.568(1)(o) and OAR 331-030-0025 the Health Licensing Office (HLO) authorized over 350 out-of-state respiratory therapists to provide care to patients located in Oregon during the state of emergency. Of the 350 out-of-state respiratory therapists approximately 104 may still seek the temporary respiratory therapist limited license (limited license) to work in Oregon. The HLO does not have data on how many or to what extent these out-of-state respiratory therapists are practicing. Upon lifting of the state of emergency all out-of-state respiratory therapists authorized to practice during the state of emergency will no longer be able to provide services to patients. To provide a transition period once the declared emergency ends, the temporary rule is needed to allow the HLO to issue a 90-day limited license to out-of-state respiratory therapists. A limited license is needed for continuity of care in protecting the health, safety, and wellbeing of Oregon patients as Oregon transitions out of the state of emergency. The limited license created by the rule is needed to assist with the state's recovery period and provides time for out-of-state respiratory therapists to apply for Oregon licensure to work beyond the additional 90-days in Oregon.

**JUSTIFICATION OF TEMPORARY FILING:**

The HLO and Respiratory Therapist and Polysomnographic Licensing Board (Board) finds that failure to act promptly will result in serious prejudice to the public interest, healthcare providers, and patients seeking and relying on health care in Oregon by potentially eliminating out-of-state respiratory therapists from practice in Oregon. The HLO and Board need to adopt this temporary rule promptly to assist with the state's recovery efforts and allow time to transition providers to Oregon licensure. The HLO and Board are taking this action to provide an additional 90-days for these providers to continue providing respiratory care to Oregon patients.

**DOCUMENTS RELIED UPON, AND WHERE THEY ARE AVAILABLE:**

Oregon Administrative Rules for Respiratory Therapist and Polysomnography Licensing Board and the Health Licensing Office. Licensing correspondence including email regarding out-of-state respiratory therapists authorized to practice during the state of emergency.

Respiratory Therapist and Polysomnography Licensing Board Laws: ORS 688,  
[https://www.oregonlegislature.gov/bills\\_laws/ors/ors688.html](https://www.oregonlegislature.gov/bills_laws/ors/ors688.html)

Health Licensing Office Laws: ORS 676, [https://www.oregonlegislature.gov/bills\\_laws/ors/ors676.html](https://www.oregonlegislature.gov/bills_laws/ors/ors676.html)

Governor's Executive Orders, <https://www.oregon.gov/gov/Pages/executive-orders.aspx>  
[https://www.oregon.gov/gov/eo/eo\\_22-03.pdf](https://www.oregon.gov/gov/eo/eo_22-03.pdf)

All documents are available at the HLO, 1430 Tandem Ave NE Suite 180, Salem, OR 97301-1287. To obtain information or copies of information please contact Samie Patnode, Policy Analyst, at 503-373-1917 or by email at [samie.patnode@dhsosha.state.or.us](mailto:samie.patnode@dhsosha.state.or.us), during normal business hours Monday through Friday between 7 am to 2:30 pm.

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RULES:

331-710-0026, 331-710-0027

ADOPT: 331-710-0026

RULE SUMMARY: Temporary licensing for out-of-state respiratory therapists.

CHANGES TO RULE:

331-710-0026

Temporary Respiratory Therapist Licensure - Limited License

On March 8, 2020, Oregon Governor declared a state of emergency due to COVID-19 outbreak in Oregon. Out-of-state respiratory therapists obtained licenses in accordance with ORS 676.568(1)(o) and OAR 331-030-0025 to provide respiratory care in Oregon during the state of emergency. The temporary license described in this rule (Limited License) is needed for continuity in protecting the health, safety, and wellbeing of Oregon patients as Oregon transitions out of the state of emergency. ¶

(1) To qualify for a Limited License the individual must have been authorized to practice in Oregon under ORS 676.568(1)(o) and OAR 331-030-0025 the day before the declared state of emergency related to COVID-19 ends and meet the application requirements under OAR 331-710-0027.¶

(2) A person holding a Limited License may provide respiratory care for 90-days immediately following the end of the declared state of emergency related to COVID-19. ¶

(3) Notwithstanding any other rule or the date that the Office issues the Limited License, the Limited License becomes current and an active authorization on the day the declared state of emergency related to COVID-19 is no longer in effect. The Limited License becomes null and void 90-days after the end of the declared state of emergency related to COVID-19.¶

(4) A person holding a Limited License wanting to practice respiratory care in Oregon after the 90-day period in section (3) must apply for and meet the requirements listed in OAR 331-710-0020, OAR 331-710-0010 or meet an exception in ORS 688.805.¶

(5) A person holding a Limited License may perform respiratory care defined under ORS 688.800 and must follow all relevant laws and rules, including ORS 676.150, ORS 676.560 to 676.625, ORS 688.800 to 688.840, OAR Chapter 331, Division 001 to 030, OAR Chapter 331, Division 705 to 740.¶

(6) A person holding a Limited License may be subject to disciplinary action, civil penalties, and sanctions for violations of relevant laws and rules, including those listed in subsection (5).

Statutory/Other Authority: ORS 676.568(2), ORS 676.615(1) and (2), 688.830(1)(a)-(b), and (2)(b)

Statutes/Other Implemented: ORS 676.568(2), ORS 676.615(1) and (2), 688.830(1)(a)-(b), and (2)(b)

ADOPT: 331-710-0027

RULE SUMMARY: Temporary licensing for out-of-state respiratory therapists.

CHANGES TO RULE:

331-710-0027

Application Requirements for a Temporary Respiratory Therapist - Limited License

To qualify for a temporary respiratory therapist license described in OAR 331-710-0026 (Limited License) the applicant must submit:

(1) A completed application on a form prescribed by the Office, which contains requirements listed in OAR 331-030-0000; ¶

(2) A copy of current photographic federal or state identification; ¶

(3) A copy of a permanent, active and unrestricted authorization to practice respiratory care from another state with no pending investigation or disciplinary action by a state board, or another state or federal agency; ¶

(4) Documentation demonstrating a current request to provide services by an Office-recognized hospital, public health organization, Emergency Medical Service agency, county, state or federal entity as the result of the declared state of emergency. This documentation may include but is not limited to letter or email from a hospital or county health department; and ¶

(5) Documentation demonstrating the applicant was authorized to practice in Oregon under ORS 676.568(1)(o) and OAR 331-030-0025 the day before the declared state of emergency related to COVID-19 ends.

Statutory/Other Authority: ORS 676.568(2), ORS 676.615(1) and (2), 688.830(1)(a)-(b), and (2)(b)

Statutes/Other Implemented: ORS 676.568(2), ORS 676.615(1) and (2), 688.830(1)(a)-(b), and (2)(b)