



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

CHAPTER 333  
OREGON HEALTH AUTHORITY  
PUBLIC HEALTH DIVISION

**FILED**  
06/07/2020 2:31 PM  
ARCHIVES DIVISION  
SECRETARY OF STATE

FILING CAPTION: Repeal of rules associated with required training for lifesaving treatment using naloxone

LAST DAY AND TIME TO OFFER COMMENT TO AGENCY: 07/21/2020 5:00 PM

*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.*

*A public rulemaking hearing may be requested in writing by 10 or more people, or by a group with 10 or more members, within 21 days following the publication of the Notice of Proposed Rulemaking in the Oregon Bulletin or 28 days from the date the Notice was sent to people on the agency mailing list, whichever is later. If sufficient hearing requests are received, the notice of the date and time of the rulemaking hearing must be published in the Oregon Bulletin at least 14 days before the hearing.*

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NEED FOR THE RULE(S):

House Bill 3440 (Oregon Laws 2017, chapter 683) passed during the 2017 legislative session. Sections 1-3 of the bill removed the training requirements related to the lifesaving treatment naloxone. Previously, individuals were required to complete educational training and receive documentation proving authority to receive and administer naloxone. The administrative rules in chapter 333, division 55 pertaining to lifesaving treatment training are no longer relevant and need to be repealed.

DOCUMENTS RELIED UPON, AND WHERE THEY ARE AVAILABLE:

HB 3440: <https://olis.oregonlegislature.gov/liz/2017R1/Downloads/MeasureDocument/HB3440>

FISCAL AND ECONOMIC IMPACT:

There is no anticipated fiscal and economic impact as a result of the proposed 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).

(1) There is no anticipated cost of compliance impact to state agencies, units of local government, or the public as a result of the proposed changes.

(2)(a) None. There are no small businesses impacted by the repeal of these rules.

(b) None. There is no additional reporting, recordkeeping or administrative activities required by repealing these rules.

(c) None. There are no equipment, supplies, labor, or increased administration required for compliance.

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

No businesses were consulted regarding the repeal of these rules.

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

A Rule Advisory Committee was not consulted on the repeal of these rules due to the alignment with Oregon Revised Statute and the limited impact of this repeal.

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RULES PROPOSED:

333-055-0100, 333-055-0105, 333-055-0110, 333-055-0115

REPEAL: 333-055-0100

RULE SUMMARY: Repeal OAR 333-055-0100 – This rule establishes the purpose of OAR 333-055-0100 through 333-055-0110 regarding training on lifesaving treatments. The training requirements were removed in 2017 by HB 3440 (OL 2017, ch. 683); this rule is no longer necessary.

CHANGES TO RULE:

~~333-055-0100~~

~~Opiate Overdose: Purpose~~

~~(1) The purpose of OAR 333-055-0100 through 333-055-0110 is to define the protocols and criteria for training on lifesaving treatments for opiate overdose.¶¶~~

~~(2) Nothing in these rules is meant to require training for health care professionals that are otherwise authorized to administer naloxone within their scope of practice.¶¶~~

~~(3) Opiate overdose requiring lifesaving treatment occurs in a wide variety of settings and circumstances, creating a need for training a variety of overdose responders. In recognition of this need, Oregon law authorizes a wide range of organizations to provide training on lifesaving treatments for opiate overdose including public health authorities, and organizations and other appropriate entities that provide services to individuals who take opiates. The Oregon Public Health Division interprets providing services to opiate users broadly and includes but is not limited to clinical, substance abuse, social services, public health, law enforcement and criminal justice, and other providers.~~

~~Statutory/Other Authority: ORS 689.681~~

~~Statutes/Other Implemented: ORS 689.681~~

REPEAL: 333-055-0105

RULE SUMMARY: Repeal OAR 333-055-0105 - This rule establishes the definitions used in OAR 333-055-0100 through 333-055-0110 regarding training on lifesaving treatments. The training requirements were removed in 2017 by HB 3440 (OL 2017, ch. 683); this rule is no longer necessary.

CHANGES TO RULE:

~~333-055-0105~~

~~Opiate Overdose: Definitions~~

~~Unless otherwise stated in OAR 333-055-0100 through 333-055-0110, or the context of 333-055-0100 through 333-055-0110 requires otherwise, the following definitions apply to OAR 333-055-0100 through 333-055-0110:¶~~

- ~~(1) "Certified nurse practitioner" means a nurse practitioner licensed under ORS Chapter 678.¶~~
- ~~(2) "Licensed physician" means a physician licensed under ORS Chapter 677.¶~~
- ~~(3) "Opiate" has the same meaning given that term in Oregon Laws 2013, chapter 340.¶~~
- ~~(4) "Opiate overdose" has the same meaning given that term in Oregon Laws 2013, chapter 340.¶~~
- ~~(5) "Oversight" means ensuring, through periodic review, that the training on lifesaving treatments for opiate overdose is consistent with the scope and intent of the protocols and criteria established by Oregon Health Authority. 'Oversight' does not require the licensed physician or certified nurse practitioner to be present during the training.~~

~~Statutory/Other Authority: ORS 689.681~~

~~Statutes/Other Implemented: ORS 689.681~~

REPEAL: 333-055-0110

RULE SUMMARY: Repeal OAR 333-055-0110 - This rule establishes the parameters and oversight required for the lifesaving treatment training. The training requirements were removed in 2017 by HB 3440 (OL 2017, ch. 683); this rule is no longer necessary.

CHANGES TO RULE:

~~333-055-0110~~

~~Opiate Overdose: Educational Training~~

~~(1) Training to administer naloxone is subject to oversight by a licensed physician or certified nurse practitioner with prescriptive privileges.¶¶~~

~~(2) Subject to the oversight required in section (1) of this rule, training may be conducted by a public health authority, an organization or other entity that provides services to individuals who take opiates.¶¶~~

~~(3) Individuals trained to respond to opiate overdose must be retrained at least every three years.¶¶~~

~~(4) The training must meet the protocols and criteria established by Oregon Health Authority, Public Health Division. The approved training protocol and criteria for the treatment of opiate overdose is available on the Internet at <https://public.health.oregon.gov/ProviderPartnerResources/EMSTraumaSystems/Pages/Naloxone-Training-Protocol.aspx> and is incorporated by reference.~~

~~Statutory/Other Authority: ORS 689.681~~

~~Statutes/Other Implemented: ORS 689.681~~

REPEAL: 333-055-0115

RULE SUMMARY: Repeal OAR 333-055-0115 – This rule establishes the requirement to provide a certificate of completion to each individual who completes the training to prove they are authorized to provide lifesaving treatment according to Oregon state law and these administrative rules. The training requirements were removed in 2017 by HB 3440 (OL 2017, ch. 683); this rule is no longer necessary.

CHANGES TO RULE:

### ~~333-055-0115~~

#### ~~Opiate Overdose: Certificate of Completion of Training~~

~~(1) Persons who successfully complete opiate overdose response training under OAR 333-055-0000 through 333-055-0115 shall be given a statement of completion signed by the individual conducting the training. The statement of completion may be used as an authorization to obtain naloxone from a licensed pharmacy if fully completed and signed by a nurse practitioner or physician overseeing the training. The statement of completion for the treatment of opiate overdose response training is available on the Internet at <https://public.health.oregon.gov/ProviderPartnerResources/EMSTraumaSystems/Pages/Naloxone-Training-Protocol.aspx> and is incorporated by reference.¶~~

~~(2) The statement of completion authorizes a pharmacist to generate a prescription and dispense to the trained individual doses of naloxone if the statement of completion is signed by a nurse practitioner or physician. Whenever such a statement of completion is presented, the pharmacist may generate a prescription and dispense naloxone to the trained individual as specified under OAR 855-041-2330.¶~~

~~(3) A statement of completion and authorization to obtain naloxone shall expire three years after the date of training identified on the statement of completion. Individuals trained to respond to opiate overdose must be trained every three years in accordance with OAR 333-055-0110 to obtain a new statement of completion.~~

~~Statutory/Other Authority: ORS 689.681~~

~~Statutes/Other Implemented: ORS 689.681~~