DATE: October 19, 2026

TO: Hearing Attendees and Commenters –
Oregon Administrative Rules chapter 333, division 256 – "Organ Transport Vehicle Licensure"

FROM: Brittany Hall, Hearing Officer and Administrative Rules Coordinator

cc: Dana Selover, Section Manager
Health Care Regulation and Quality Improvement

SUBJECT: Presiding Hearing Officer's Report on Rulemaking Hearing, Public Comment Period, and Agency Response to Written Comments

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Hearing Officer Report

Date of Hearing: September 16, 2026, via Microsoft Teams

Purpose of Hearing: The purpose of this hearing was to receive testimony regarding the Oregon Health Authority (OHA), Public Health Division, Emergency Medical Services Program's proposed adoption of Oregon Administrative Rules in chapter 333, division 256 relating to the licensure of organ transport vehicles. Proposed rules are in response to passage of SB 1161 (2025 Oregon Laws, chapter 278) that require the OHA to issue a license to an Organ Procurement Organization to operate an organ transport vehicle. These rules provide direction on the application process, licensure requirements, driver qualifications, compliance verification, fees, and enforcement provisions.

Hearing Officer: Brittany Hall

Testimony Received: One individual provided testimony at the hearing in support of the proposed rules and expressed appreciation for the clarification that was provided about the definitions of emergency transport in the final rule.

Other Comments: Three individuals or organizations submitted written comments during the rule advisory committee (RAC) process. Written comments received during the RAC process are attached to this report as **EXHIBIT 1.** No individuals or organizations submitted written comments to OHA within the period allotted for public comment, which closed at 5:00 PM on September 21, 2026.

Written comments received during the rule advisory committee (RAC) process advocated for the implementing rules to "clearly distinguish between emergent and non-emergent transportation of organs for transplant and apply the licensure requirements only to vehicles and drivers that will operate under the emergency privileges authorized by the statute." Written comments opined that "expanding licensure requirements to include any vehicle or driver transporting an organ for transplant non-emergently would pose significant operational challenges for the OPO [organ procurement organization] and impact the fiscal impact and number of licenses that would need to be issued. These additional requirements would increase administrative burden and program costs without improving safety or enhancing the timely delivery of organs for transplantation."

Additional comments recommended that "the statute should be interpreted as applying only to emergency vehicle operations, even when those operations involve the non-emergent transportation of organs, rather than to every vehicle used to transport organs."

Agency response: In response to comments shared during the RAC, the Oregon Health Authority added a definition for 'emergency transportation' to make it clear that the licensing rules and driver requirements only apply to vehicles being used to quickly deliver an organ or tissue using lights and sirens so the organ stays viable. This definition was included in the Notice of Proposed Rulemaking.

Written comments received during the RAC process addressed the requirement in the proposed rules reviewed by the RAC for a course that "meets or exceeds the National Safety Council (NSC) for Emergency Vehicles Operators Course (EVOC3) or NFPA fire and emergency vehicle standards." Comments noted that the National Safety Council no longer offers the EVOC3 training, and offered another equivalent training, "On Q Safety EMS EVOC + Attention and Distraction Course". Written comments requested that the proposed rule language be changed "to remove the reference to the National Safety Council and instead substitute the OnQ course described."

Agency response: In response to comments received during the RAC process, the Oregon Health Authority (OHA) conducted a review of organizations that provide emergency vehicle operation and defensive driving courses. Because the availability of specific organizations and courses may change over time, the OHA determined it was more appropriate to establish criteria in rule for approving organizations rather than referencing a specific entity. These criteria were included in the Notice of Proposed Rulemaking. Following additional analysis, the OHA is amending the rule text to remove "legal requirements and limitations" criterion, as this requirement is incorporated within the defensive driving technique criterion.

Based on the adopted criteria, the following organization courses will be considered approved and will be posted on the EMS webpage including web links:

- CEVO 3: Fire
- CEVO 3: Ambulance
- CEVO 5: Ambulance – Online
- OnQ EVOC Ambulance + Attention and Distraction
- OnQ EVOC Fire + Attention and Distraction
- OnQ EVOC Police + Attention and Distraction
- EVOC: Emergency Vehicle Operator Course- EMS1 (Lexipol)

Written comments received during the RAC process noted that at the first RAC meeting "OHA clarified these rules are to apply to non-EMS providers* who are transporting organs." Written comments further requested that clarification be added to the rules and/or sub regulatory documents/FAQs, making it clear that "the proposed rules governing organ transport vehicles are intended to apply to non-EMS providers that transport organs and are not intended to impose additional

requirements on licensed or certified EMS providers operating within the scope of their existing authority and regulatory framework."

*OHA reached out to the commenter to clarify the use of the term "EMS provider" in their written comments and confirmed that the comments were requesting clarification that the rules are not requiring additional requirements for "EMS *agencies*."

Agency response: The OHA will provide interpretive guidance as needed based on questions received.

EXHIBIT 1

From: Mellony Bernal
To: Lauren Land
Cc: Rebecca J Long; [redacted]; Katie Harris; [redacted]; Sabrina Riggs; [redacted]; Charles Hodge; Heather Land; Rob McDonald; Jeffrey Dana; OHOGAN Colleen; Jeff Schneider; HALL Brittany A
Subject: RE: Organ Transport Vehicle Licensing RAC - July 27 Meeting Notes
Date: Monday, August 3, 2026 2:36:08 PM
Attachments: image001.png
image002.png
image003.png

Lauren – Thank you for your comments which we will take into consideration. Copying RAC members for awareness.

With appreciation,

Mellony Bernal
Legislative and Administrative Rules Policy Analyst
971-673-3152
Public Health Division, Health Care Regulation and Quality Improvement
OHA, PHD Customer Service Survey

www.healthoregon.org/hflc
www.healthoregon.org/ems

OREGON HEALTH AUTHORITY

From: Lauren Land [redacted]
Sent: Monday, August 3, 2026 1:55 PM
To: Mellony Bernal <MELLONY.C.BERNAL@oha.oregon.gov>; Rebecca J Long <REBECCA.J.LONG@oha.oregon.gov>
Subject: Re: Organ Transport Vehicle Licensing RAC - July 27 Meeting Notes

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Hello,

Thank you again for all of your work to move this process forward! I have reviewed the minutes, and appreciate the follow-up on my question regarding which vehicles would fall under the definition of organ transport vehicle, specifically this section of the minutes:

L. Land asked whether the licensure of vehicles was only for vehicles utilizing lights and sirens, and not for a vehicle transporting an organ for purposes such as research or education. M. Bernal indicated she would investigate further and noted that she believed the law was specific to organs being transported for transplant purposes. L. Land further noted that when transporting kidneys, the cold ischemia time is a longer window and, in those situations, transport would not be utilizing lights and sirens. **Follow-up: Pursuant to the legislation and ORS 682.025(9), an organ transport vehicle is defined as "any motor vehicle operated or contracted by an organ procurement organization for the emergency transportation of body parts intended to be transplanted." It is therefore OHA's understanding that a vehicle used to transport a body part(s) for purposes of transplant, regardless of if using lights or sirens, must obtain an organ transport vehicle license.**

I would respectfully advocate that the implementing rules clearly distinguish between **emergent** and **non-emergent** transportation of organs for transplant and apply the licensure requirements only to vehicles and drivers that will operate under the emergency privileges authorized by the statute.

The legislation repeatedly references "emergency" organ transport vehicles and establishes specific qualifications intended to ensure the safe exercise of emergency driving privileges. Applying these requirements to vehicles and drivers that never utilize emergency lights, sirens, or other emergency exemptions would extend the scope of the statute beyond its apparent intent without providing a corresponding public safety benefit. Vehicles operating under normal traffic laws should not be subject to requirements designed exclusively for emergency vehicle operations. This interpretation is also consistent with the implementation of comparable statutes in other states, including Washington.

Expanding the licensure requirements to include any vehicle or driver transporting an organ for transplant non-emergently would pose significant operational challenges for the OPO and impact the fiscal impact and number of licenses that would need to be issued. These additional requirements would increase administrative burden and program costs without improving safety or enhancing the timely delivery of organs for transplantation.

Limiting the licensure requirements to vehicles and personnel operating under emergency privileges appropriately balances public safety with operational practicality, aligns with the statutory language, and supports the objective of facilitating timely organ transportation while avoiding unnecessary regulatory burden.

I would be happy to have more conversation about this if there is any additional context or clarification I can provide, please reach out anytime!

Thank you,

Lauren Land, DNP
Director of Clinical Operations

Cascade Life Alliance
[redacted]
CascadeLifeAlliance.org



From: Mellony Bernal <MELLONY.C.BERNAL@oha.oregon.gov>
Sent: Thursday, July 30, 2026 8:07 AM
To: [redacted]
Cc: Rebecca J Long <REBECCA.J.LONG@oha.oregon.gov>; HALL Brittany A <Brittany.A.HALL@oha.oregon.gov>; Selover Dana S <DANA.S.SELOVER@oha.oregon.gov>; Wagner Adam Patrick <Adam.P.Wagner@oha.oregon.gov>; [redacted]
Subject: [EXTERNAL] Organ Transport Vehicle Licensing RAC - July 27 Meeting Notes

SECURE EMAIL DELIVERY: This email message was securely transmitted from a sender at Oregon ODHSOHA to your email system using Transport Layered Security (TLS).

Thank you for your participation in the Organ Transport Vehicle Licensing RAC meeting held on Monday, July 27th. I have attached the meeting notes which have also been posted on the EMS Rules and Statutes webpage, under Rulemaking Activity.

As a reminder, if you have any follow-up comments or suggested changes, please email me or Rebecca Long no later than August, 14, 2026.

With appreciation,

Mellony Bernal

Legislative and Administrative Rules Policy Analyst

971-673-3152

Public Health Division, Health Care Regulation and Quality Improvement

OHA, PHD Customer Service Survey

www.healthoregon.org/hflc

www.healthoregon.org/ems



From: Jeff Schneider
To: Mellony Bernal
Subject: Organ Transport Vehicle Licensing RAC - July 27 Meeting Notes
Date: Monday, August 3, 2026 3:29:02 PM
Attachments: image001.png

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Good Afternoon,

Having reviewed the Organ Procurement Organizations' position on the transportation of non-emergent organs, I wanted to provide some additional perspective regarding Washington State law on this issue. This same question arose during the Washington State Department of Health's rulemaking process. The key issue was determining the legislative intent behind the statute.

As in Washington, Oregon's underlying law specifically addresses emergency vehicle operations, driver qualifications for emergency driving, and emergency vehicle markings. The language appears to be focused solely on regulating emergency vehicles used to transport organs, rather than all vehicles engaged in organ transportation.

Accordingly, NORA's recommendation is that the statute should be interpreted as applying only to emergency vehicle operations, even when those operations involve the non-emergent transportation of organs, rather than to every vehicle used to transport organs.

Jeff Schneider
Operations Manager
West Coast & Mountain States
[redacted]

From: Mellony Bernal
To: Jeff Schneider
Cc: [redacted]; Katie Harris; [redacted]; Sabrina Riggs; [redacted]; [redacted]; [redacted]; Charles Hodge; Heather Land; Rob McDonald; Jeffrey Dana; OHOGAN Colleen; Rebecca J Long; HALL Brittany A
Subject: FW: Organ Transport Vehicles - EVOC
Date: Tuesday, July 28, 2026 8:37:00 AM
Attachments: image001.png
Organ Transport Vehicles.msg
image002.png

Jeff – Thank you for your email and sharing the information about the National Safety Council. We will look into this further and consider your recommendation.

I have copied RAC members for awareness.

With appreciation,

Mellony Bernal
Legislative and Administrative Rules Policy Analyst
971-673-3152
Public Health Division, Health Care Regulation and Quality Improvement
OHA, PHD Customer Service Survey

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OREGON HEALTH AUTHORITY

From: Jeff Schneider [redacted]>
Sent: Monday, July 27, 2026 3:14 PM
To: Mellony Bernal <MELLONY.C.BERNAL@oha.oregon.gov>
Cc: Keith Lonien [redacted]>
Subject: Organ Transport Vehicles

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Hi Mellony,

Thanks for the great meeting today, I thought it went really well. I did discover one issue when I was doing some research on proposed rule 333-256-0080 (g). That rule relates to emergency vehicle operators training. The proposed rules call for a course that meets or exceeds the National Safety Council (NSC) for Emergency Vehicles Operators Course (EVOC3) or NFPA fire and emergency vehicle standards.

I was unable to find information about NSC EVOC 3, so I contacted the National Safety Council. They no longer offer this training so that standard no longer exists. At NORA we use a course that is equivalent to what NSC EVOC 3 seem to have been. We use On Q Safety EMS EVOC + Attention and Distraction Course (attached). We have found this to be better than offerings from NFPA which tends to focus more on operating large fire apparatus that is not particularly pertinent to what we do.

May I suggest we change the language of the rule to remove the reference to the National Safety Council and instead substitute the On Q course described?

Jeff Schneider
Operations Manager
West Coast & Mountain States
[redacted]
[redacted]
NORA
Nationwide Organ Recovery Transport Alliance

On Q Safety

EMS

EVOC + ATTENTION & DISTRACTION COURSE



A 3-hr online training designed to help your EMS personnel stay safe while driving under code 3.

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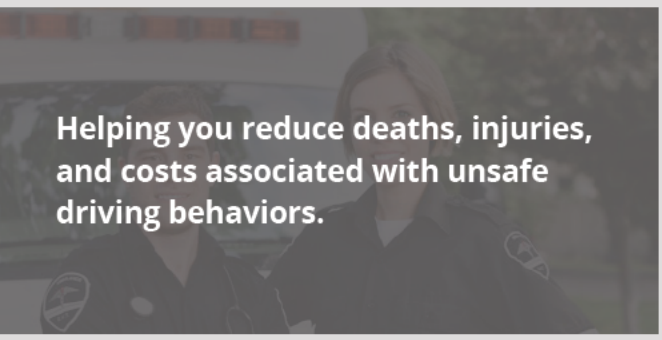
Prioritizing emergency vehicle driving training will reduce accidents, saving people from pain and suffering.

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- Counts toward continuing education credits in most states
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COURSE OUTLINE

Lesson #1 - Intersection Approach

- Identify the primary goals of the approach stage of intersection navigation
- Label highway travel lanes with corresponding reference numbers
- Select appropriate methods for maximizing vehicle control when approaching intersections
- Recognize the risks associated with improper intersection negotiation

Lesson #2 - Intersection Assessment

- Describe how the assessment stage and the approach stage work together in intersection analysis
- Identify all the hazards and potential hazards in a given scenario
- Categorize the hazards as potential or immediate and prioritize them according to their level of danger
- Recognize the risks associated with each hazard

Lesson #3 - Clearing the Intersection: Basics

- List basic steps for clearing an intersection
- Select appropriate methods for clearing an intersection
- Recognize the risks associated with improper intersection clearing

Lesson #4 - Clearing the Intersection: Advanced Skills

- Recognize the additional hazards associated with clearing a congested intersection
- Recognize the importance of slowing down and giving you additional time to recognize and respond to these hazards
- List the steps for safely clearing a congested intersection
- Know the methods for clearing an intersection when your lanes are blocked
- Identify the most common mistakes made when clearing a congested intersection

Lesson #5 - Intersection Departure & Course Summary

- List the steps for safely departing an intersection
- Recognizing the common hazards you might encounter during the departure stage
- Recall all steps and key concepts in the EVO Intersection Analysis process

Lesson #6 - Attention and Distraction

- Recognize negative effects of looking away from the road for more than two seconds
- Practice strategies for eliminating controllable, internal distractions
- Making necessary adjustments for minimizing outside distractions

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On Q EVOC (Emergency Vehicle Operations Course)

NHTSA 1995 Compliance Outlined

NHTSA 1995 Standard History: Approximately 50 years ago the US Department of Transportation (DOT), National Highway Traffic Safety Administration (NHTSA) was given the responsibility to develop training courses per the Highway Safety Act of 1966, included EVO courses that continued through the 1995 Ambulance update currently used as a reference. A 2019 study by NHTSA SMEs explicitly reviewed the 1995 standard in its existing form, implying that no replacement had been adopted by that point.

On Q's EVO Course Compliance with NHTSA Standards: On Q EVOC was developed to meet 3 hours of the NHTSA 1995 Module A classroom instruction requirement to meaningfully teach the subject matter using current online training technology. The online course immerses students in realistic training situations that depict actual EVOC maneuvers and test decision-making to train safe behaviors rather than simply test memory. The course focuses on Code 3 EVO driving to increase understanding of procedures to create safer drivers. An outline of all aspects of the course is attached for reference.

On Q's EVO Course National Certification: The International Association of Directors of Law Enforcement Standards and Training (IADLEST), under a NHTSA Grant, certified in 2017 that On Q's EVOC as meeting or exceeding NHTSA curriculum standards. Additionally, EVOC complies with Federal Law Enforcement Training Accreditation (FLETA) standards, International Association of Chiefs of Police, and several other emergency vehicle organizations.

On Q's Clients: EVOC is currently used in over 200 emergency responder departments to meet core EVO training requirements. Users include Los Angeles County Fire, Houston Fire Department, Fort Worth Police Department, Colorado Springs Fire Department, Royal Canadian Mounted Police, Utah POST, and many others.

User Engagement: Because training requirements and standards vary by state and department, emergency drivers considering using EVOC to meet formal regulatory or department requirements should provide this memorandum to the agency or department to obtain formal acceptance of the course.

On Q Safety
Driving Training and Analytics

On Q EVO Course Description

Intersection Approach

- Identify the primary goals of the Approach stage of intersection navigation
- Label highway travel lanes with corresponding reference numbers
- List the intersection approach tasks in sequence and link them to appropriate distances
- Select appropriate methods for maximizing vehicle control when approaching intersections
- Recognize the risks associated with improper intersection negotiation

Intersection Assessment

- Describe how the assessment stage and the approach stage work together in intersection analysis
- Identify all the hazards and potential hazards in a given scenario
- Categorize the hazards as potential or immediate and prioritize them according to their level of danger
- Recognize the risks associate with each hazard

Clearing the Intersection: Basics

- List basic steps for clearing an intersection
- Select appropriate methods for clearing an intersection
- Recognize the risks associated with improper intersection clearing

Clearing the Intersection: Advanced Skills

- Recognize the additional hazards associated with clearing a congested intersection
- Recognize the importance of slowing down and giving you additional time to recognize and respond to these hazards
- List the steps for safely clearing a congested intersection
- Know the methods for clearing an intersection when your lanes are blocked
- Identify the most common mistakes made when clearing a congested intersection

Intersection Departure & Course Summary

- List the steps for safely departing an intersection
- Recognizing the common hazards that will be encountered during the departure stage
- Recall all steps and key concepts in the EVO Intersection Analysis process

Attention and Distraction

- Recognize negative effects of looking away from the road for more than two seconds
- Practice strategies for eliminating controllable, internal distractions
- Making necessary adjustments for minimizing outside distractions

Oregon State Ambulance Association
417 2nd Street, Ste 101 | Lake Oswego OR 97034
www.OregonAmbulance.org | Staff@OregonAmbulance.org

TO: **Mellony Bernal, Oregon Health Authority**

FR: **Sabrina Riggs, Oregon State Ambulance Association**
sabrina@daltonadvocacy.com

RE: **Organ Transport Rules OAR 333-256-XXXX**

Submitted electronically on August 14, 2026 **to mellony.c.bernal@oha.oregon.gov**

The Oregon State Ambulance Association's (OSAA) members provide emergency medical services to communities large and small across Oregon. We appreciate the Oregon Health Authority's work to develop rules addressing organ transport vehicles, and also appreciate the opportunity for OSAA to participate in the Rules Advisory Committee and to provide input during the rulemaking process.

OSAA appreciated that OHA clarified these rules are to apply to non-EMS providers who are transporting organs at the first RAC meeting and in the follow up meeting notes (page 5). If it makes sense, OSAA would also appreciate this clarification to be added to the rules or to sub regulatory documents/FAQs. Clear rules will help ensure that organizations involved in organ transportation understand their responsibilities while maintaining appropriate distinctions between emergency medical services providers and other entities that may conduct organ transports.

It is OSAA's understanding that the proposed rules governing organ transport vehicles are intended to apply to non-EMS providers that transport organs and are not intended to impose additional requirements on licensed or certified EMS providers operating within the scope of their existing authority and regulatory framework.

OSAA believes maintaining this distinction is important. EMS agencies are already subject to extensive state requirements governing their operations, vehicles, personnel, and patient care. Organ transportation conducted by an EMS provider should not inadvertently become subject to a separate regulatory framework intended to address entities that otherwise do not operate as EMS providers.

We respectfully request that OHA confirm this understanding and, if necessary, make the scope of the rules sufficiently clear in the final rule language or accompanying guidance to avoid confusion or inconsistent interpretation.

Again, OSAA appreciates OHA's willingness to engage stakeholders throughout this process and specifically appreciates the opportunity to participate in the Rules Advisory Committee. We look forward to continuing to work collaboratively with the Authority to ensure that the final rules are clear, appropriately scoped, and supportive of safe and efficient organ transportation in Oregon.

Thank you for your consideration.

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