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TEMPORARY ADMINISTRATIVE ORDER
INCLUDING STATEMENT OF NEED & JUSTIFICATION

PH 20-2020
CHAPTER 333
OREGON HEALTH AUTHORITY
PUBLIC HEALTH DIVISION

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ARCHIVES DIVISION
SECRETARY OF STATE
& LEGISLATIVE COUNSEL

FILING CAPTION: Emergency temporary EMS provider license

EFFECTIVE DATE: 04/06/2020 THROUGH 10/02/2020

AGENCY APPROVED DATE: 04/03/2020

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NEED FOR THE RULE(S):

The Oregon Health Authority (Authority) is responding to an outbreak of the emerging disease called "COVID-19" caused by a novel strain of coronavirus named "SARS-CoV-2" which was detected in China in December 2019 and in the United States January 20, 2020. As of April 2, 2020, there are 826 cases in Oregon, with the number of cases growing daily. The Authority expects a surge of patients in the coming days and months who will need EMS treatment and/or transport. It is predicted that due to this surge of patients, Oregon's currently licensed EMS workforce may not be sufficient to meet the demand. This temporary rule will allow available EMS providers licensed or certified in another state or providers with current certification or provisional certification by the National Registry of EMTs (NREMT) to obtain a short-term provisional license to practice as an EMS provider in Oregon with a licensed ambulance service or a registered EMS non-transporting agency, in a paid or volunteer status.

JUSTIFICATION OF TEMPORARY FILING:

The Authority finds that failure to act promptly will result in serious prejudice to the public interest; the Authority; and patients who need EMS services, transport and care; and EMS providers who may experience an overload and workforce insufficiency due to increased call volume and patient surge. Patients needing care may have to wait longer times for assistance, potentially resulting in negative health outcomes. EMS providers may be overworked resulting in a potential for sub-standard care for patients. Due to the potential for wide-spread illness, the workforce insufficiency may be exacerbated by illness of the EMS providers themselves. Failing to adopt this rule will impose a barrier for additional licensed EMS providers to work in Oregon. In addition, the proposed rule streamlines the licensing process for both the applicant and the Authority. The proposed rule will encourage additional licensees to apply and allow the Authority to more quickly and efficiently process the applications. The Authority expects that the proposed rule will increase the number of licensed EMS Providers in Oregon and alleviate the issues noted above. These rules need to be adopted promptly so that out-of-state providers or providers with current certification or provisional certification by the National Registry of EMTs (NREMT) may gain a temporary license and become employed or volunteer for an ambulance service licensed in Oregon or an EMS non-transporting agency in order to fill a need for workforce capacity. Temporary licenses may help mitigate the likely deficit in licensed EMS providers.

DOCUMENTS RELIED UPON, AND WHERE THEY ARE AVAILABLE:

2020-0178 Oregon ESF-8 COVID-19 SITUATIONAL STATUS REPORT updated daily available on the Oregon Covid-19 Web Site at: <https://govstatus.egov.com/OR-OHA-COVID-19>

ADOPT: 333-265-0058

RULE TITLE: Emergency Initial Provisional License

RULE SUMMARY: Adopting OAR 333-265-0058 – Allows the Authority to issue a temporary emergency license to an EMS provider licensed in another state or providers with current certification or provisional certification by the National Registry of EMTs (NREMT) during an emergency declared under ORS 401.165 or a public emergency declared under ORS 433.441.

RULE TEXT:

(1) Definitions:

(a) "Home licensing state" means the licensing state that currently licenses or certifies an individual seeking an emergency initial provisional license from the Authority.

(b) "Emergency initial provisional license" is a short-term provisional license issued under this rule during a declared emergency or public health emergency to an applicant who is licensed or certified as an EMS provider in another state or an EMS provider who has been issued a provisional certification from the National Registry of Emergency Medical Technicians (NREMT).

(2)(a) During an emergency declared under ORS 401.165 or a public health emergency declared under ORS 433.441, the Authority may grant an emergency initial provisional license to an individual who:

(A) Holds a:

(i) Current license or certification as an emergency medical services provider in another state; or

(ii) Current certification or provisional certification by NREMT;

(B) Is not subject to any adverse actions related to licensure or certification;

(C) Is sponsored by an ambulance service licensed in Oregon or an EMS non-transporting agency registered with the Authority's Emergency Medical Services and Trauma Systems program that intends to immediately employ the individual, in a paid or volunteer capacity; and

(D) Submits the fee required in OAR 333-265-0030.

(b) An emergency initial provisional license issued under this rule shall be valid for a period determined by the Authority, not to exceed six months. If the emergency still exists after six months, the Authority may renew any emergency initial provisional license for an additional six months or convert the initial provisional license to a non-provisional license when the applicant meets all licensing requirements in ORS chapter 682 and OAR chapter 333, division 265.

(c) The Authority shall only issue an emergency initial provisional license at the same level that the applicant is currently certified by the applicant's home licensing state or NREMT.

(d) The Authority may request any other information or verification prior to issuing an emergency initial provisional license.

(3) To apply for an emergency initial provisional license, an applicant must submit:

(a) A complete application in a form provided by the Authority including, but not limited to, the following:

(A) The applicant's name, permanent address and phone number; and

(B) The name of the sponsoring licensed ambulance service or registered EMS non-transporting agency.

(b) Documentation from the sponsoring licensed ambulance service or EMS non-transporting agency as described in (2)(a)(C) that intends to immediately employ the applicant, whether in a paid or volunteer capacity.

(c) When applicable a copy of their current license from another state to practice as an EMS provider and a copy of their current NREMT certification or provisional certification.

(4) The Authority may deny, suspend, or revoke an emergency initial provisional license for any reason that it may deny, suspend, or revoke an EMS provider license in OAR chapter 333, division 265.

(5) An individual with an emergency initial provisional license:

(a) May only provide services in Oregon for the licensed ambulance service or EMS non-transporting agency listed in the application.

(b) May not exceed the Oregon scopes of practice for EMS providers as described in OAR 847-035-0030;

(c) May only practice with written standing orders issued by a supervising physician as defined in OAR 847-035-0001 that are consistent with written standing orders issued in their home licensing state; and

(d) Must comply with ORS chapter 682 and all rules adopted under ORS chapter 682.

(6) The Authority may reject any application that is incomplete or is not accompanied by the required fee.

STATUTORY/OTHER AUTHORITY: ORS 401.165, 401.168, 401.990, 413.042, 431A.005, 431A.010, 421A.015, 433.441, 682.017, 682.204 – 682.265

STATUTES/OTHER IMPLEMENTED: ORS 682.204, 682.208, 682.216