Oregon Health Authority, Public Health Division, Facility Planning & Safety
FGI Workgroup

I. Overview and Authority

The Oregon Health Authority (OHA), Public Health Division, Facilities Planning and Safety (FPS) program is convening this “Workgroup” to:

a) Serve as the rulemaking advisory committee (RAC) in accordance with ORS 183.333(1). The Workgroup's role is advisory only. In accordance with OHA policy, the OHA will consider the Workgroup's input; however, the program retains the final decision on final rule text.

b) Review the Statement of Need and Fiscal Impact in accordance with ORS 183.333(3) and (4). The OHA shall seek the workgroup's recommendation on:

   1) whether the rule will have a fiscal impact;
   2) what the extent of that impact will be; and
   3) whether the rule will have a significant adverse impact on small businesses.

II. Purpose and Scope

The Workgroup will review Facility Guidelines Institute (FGI), 2018 Guidelines for Design and Construction of Hospitals and the 2018 Guidelines for Design, and Construction of Outpatient Facilities. It will then provide OHA with advice and recommendations on FGI Guideline adoption and consider additional rule changes proposed by the OHA. Input is sought at this time only for the construction and physical environment rules for the following facilities:

a) Birthing Centers (OAR 333-076);
 b) Ambulatory Surgery Centers (ASC)/Extended Stay Centers (ESC) (OAR 333-076);
 c) Outpatient Renal Dialysis Facilities (ESRD) (OAR 333-700);
 d) Special Inpatient Care Facilities (SIC) (OAR 333-071);
 e) Hospitals (OAR 333-515 and 333-535); and

III. Membership

Members of the Workgroup have been identified based on interests of persons most likely to be affected by the proposed adoption of FGI guidelines and includes members from licensed health care facilities, architectural firms, and special interest associations.

In accordance with OHA policy, outside entities may send only one representative to participate on the Workgroup. However, with OHA’s permission, officially designated delegates may participate in a member’s absence.

Additional representation will be considered by OHA based on the topics under consideration.
IV. **Duties and Responsibilities of Members**

Each Workgroup member agrees to:

a) Attend meetings regularly, either in person or by phone;
b) Advise OHA on the proposed rules;
c) Advise the Authority and the workgroup of any information which would affect its work; and
d) Participate in good faith, which means:

1) Prepare for and set aside time for the meetings and the whole process;
2) Participate fully, honestly and fairly, commenting constructively and specifically;
3) Speak respectfully, briefly and non-repetitively; not speaking again on a subject until all other members desiring to speak have had the opportunity to speak;
4) Allow people to say what is true for them without fear of reprisal from Workgroup members and OHA;
5) Avoid side conversations during meetings;
6) Provide information as much in advance as possible of the meeting in which such information is to be used and share all relevant information to the maximum extent possible;
7) Generate and explore all options on the merits with an open mind, listening to different points of view with a goal of understanding the underlying interests of other Workgroup members;
8) Strive vigorously for consensus and closure on issues; and
9) Self-regulate and help other members abide by these commitments.

V. **Role of Collaborative Resolution Facilitator**

The OHA has contracted with ICMResolutions (Facilitator) to:

a) Provide consultation and facilitation to identify areas of potential alignment and conflict;
b) Assist the OHA and its stakeholders to work towards consensus on adoption of the FGI guidelines and proposed changes;
c) Convene meetings, correspond with Workgroup members, and take and distribute meeting minutes; and
d) Provide the OHA with the Workgroup’s proposed final rule language.

VI. **Role of OHA**

The OHA will provide technical support, expertise, assistance, proposals and proposal commentary to the Workgroup.

VII. **Workgroup Operating Procedures**

In collaboration with the OHA, the Facilitator will provide the workgroup with material to review prior to each meeting. Material will consist of FGI guidelines and proposed changes suggested by the OHA.
The Facilitator will also manage the discussion and using a consensus process (described in section VIII, below), provide workgroup members with the opportunity to respond to proposed language, ask questions, explain concerns, propose new language, and voice their opinion.

Most revisions will occur during Workgroup meetings and others may take place between meetings through e-mail. All Workgroup members will be kept informed of any proposed changes not made during Workgroup meetings. The Facilitator will collect proposed revisions and share revised discussion draft for workgroup consideration.

Prior to the conclusion of each meeting, facilitator will identify tasks for Workgroup members to complete prior to the next meeting and identify proposed agenda for next meeting.

Meeting minutes will be drafted after each meeting and will reflect at a high level the discussion surrounding what should or should not be in the rules. There will be an audio recording of the meetings and it will serve as the official record of the deliberations. Minutes will be distributed to Workgroup members prior to the next scheduled meeting for correction and approval.

VIII. Decision-Making Process for Recommendations

The Workgroup will use the following process:

a) Developing Recommendations

The OHA proposed recommendations will be the starting point for discussions. The Workgroup will use a consensus decision-making model to assist in any Workgroup recommendations.

b) Representative Polling

Each Workgroup member will be polled, except for those non-polling members (OHA staff). Their statement represents that the member will recommend to his or her organization or group that they should support or oppose the proposal consistent with the member’s statement.

c) Consensus Definition

Consensus decision-making is a process that allows Workgroup members to distinguish underlying values, interests, and concerns with a goal of developing widely accepted solutions. Consensus does not mean 100% agreement on each part of every issue, but rather support for a decision, “taken as a whole.” This means that a member may agree to support a consensus proposal even though they would prefer it modified in some manner to give it their full support. Consensus is a process of “give and take,” of finding common ground, and developing creative solutions in a way that all interests can support. Consensus is reached if all members at the table support an idea or can say, “I can live with that.”
d) Polling Mechanism

The Facilitator will assist the Workgroup in articulating points of agreement, as well as articulating concerns that require further exploration. The Workgroup will use a “Consensus Polling” procedure for testing the group’s opinion and adjusting proposals. In “Consensus Polling,” the Facilitator will articulate the proposal. Each Workgroup member will then respond “one,” “two,” or “three,” reflecting the following:

“One” indicates full support for the proposal as stated.

“Two” indicates that the participant agrees with the proposal as stated but would prefer it modified in some manner to give it full support. Nevertheless, the member will support the consensus even if his/her suggested modifications are not supported by the rest of the group because the proposal is worthy of general support, as written.

“Three” indicates refusal to support the proposal as stated.

The Facilitator will repeat the consensus polling process, as reasonably necessary, to assist the Workgroup in achieving consensus regarding a recommendation, so that all members present are responding “one” or “two.”

e) No Consensus – Majority and Minority View

If a consensus on an issue is still not reasonably likely, as determined by the Facilitator, the poll of those present at the meeting will be taken and recorded as a Majority – Minority recommendation. Majority is defined as at least 51% of the Workgroup polling membership. The language supported by the majority will be reported along with their names in the Workgroup’s final recommendations. Members polling in the minority on the final recommendations can submit their proposed language and reasoning in the final report as an appendix. Interim polling results in the meeting minutes will only reflect Accept, Reject or Modify by Consensus or Majority without names.

IX. Public participation

Meetings of the Workgroup are open to the public but are not subject to the public meeting law. Members of the public may attend, but they may not participate during the discussions. Public comment may be requested by the Facilitator just before the end of each meeting.

All documents resulting from Workgroup discussion will be available to the public upon request.

X. Communication between the Workgroup and Facilitator

Members are encouraged to communicate information or concerns directly with the Facilitator. Copies of communications will be provided by the Facilitator to all Workgroup members and OHA program staff.
XI. **Timeline**

The work of the Workgroup will include prioritizing tasks and developing timeline goals that will satisfy the OHA program's anticipated rulemaking deadlines listed below. All meetings will be held at the Portland State Office Building (PSOB) located at 800 NE Oregon Street, Portland OR. Meetings will be held monthly, and the following proposed meeting schedule and workplan will be discussed at the June 22nd meeting. Additional meetings may be considered if necessary.

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<th>Overview</th>
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<td>➢ Health Care Facility Rules - OARs 333-071, 076, 515, 535 &amp; 700 overview</td>
<td>June 2018</td>
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<td>➢ Project Plans and Construction Review – OAR 675 overview</td>
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<td>➢ FGI – Outpatient (Chapters 1.1 through 1.4; pages 3-61)</td>
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| Ambulatory Surgery Centers/Extended Stay Centers (333-076) | July 2018 - November 2018 |
| Special Inpatient Care Facilities (333-071)                | December 2018             |
| Hospitals (333-535)                                        | January 2019 - February 2019 |
| Outpatient Renal Dialysis (333-700)                        | March 2019                |
| Birthing Centers (333-076)                                 | April 2019                |

XII. **Next Steps**

The next steps after the Workgroup meetings have concluded are:

a) OHA will file its proposed rules for each facility type with the Secretary of State's office. OHA will also schedule a public hearing and generate a Statement of Need and Fiscal Impact Statement using this Workgroup’s input to create it. Interested parties will be notified of the opportunity to provide written and/or oral public comment.

b) When the public comment period has closed, OHA staff will review all submitted public comments, respond to comments received, and consider additional changes to the rule.

c) Final rule text will be filed with Secretary of State’s office with an effective date identified.