



HOSPITAL CLASSIFICATION AND ENFORCEMENT FACT SHEET

Amendments to OAR 333-500-0032 and OARs 333-501-0010, 0020 and 0055

The Oregon Health Authority, Public Health Division has amended hospital classification and enforcement administrative rules clarifying that a facility cannot hold itself out to the public through use of a posted name or advertising that would give the impression that emergency medical services, as defined in OAR 333-500-0010, can be provided unless the facility is a licensed hospital pursuant to ORS 441.025 with an emergency department.

What does this mean?

Urgent care centers, primary care offices, physician practices, or other entities that are not licensed hospitals with an emergency department cannot use the terms "emergency department, emergency room, ER, emergency-, emergent-, emergi- care center" or use any derivative term in any posted name or advertising that suggests the person or facility can provide emergency services as defined in OAR 333-500-0010. Use of the words "urgent" or "immediate" are acceptable and will not be considered derivative terms. In determining whether a violation has occurred, staff will consider the name of the facility, terms used in advertising, and any other applicable information.

Why were the rules changed?

The Oregon Health Authority had received concerns from stakeholders that Oregonians' may be at risk of seeking lifesaving, emergency treatment in places where those services are not available. In response to those concerns, a public perception survey was conducted by DHM Research to assess Oregonians' understanding of emergency care and urgent care, including the types of treatments and providers that are available at each type of facility. The results of the survey showed that Oregonians' overestimate the level of services available at an urgent care center and may seek care for very serious symptoms in urgent care settings. This is a patient safety and public health issue and could result in people being turned away due to inability to pay, delays in needed care for life threatening medical conditions, poor health outcomes, and increased costs to patients, their families and to the health care system.

How will the new rule be enforced?

The Public Health Division is responsible for investigating complaints about persons and facilities violating health care facility licensing laws. Any person may make a complaint directly to the program by phone or e-mail. Complaints received about a facility suspected of violating this new rule will be reviewed and may be investigated. In determining whether a violation has occurred, staff will consider the name of the facility, terms used in advertising, and any other applicable information.

What happens to a person or facility found to be in violation of the rule?

A person who fails to comply with health facility licensing rules may face civil penalties in the amount of \$500 per day per violation.

Do the rules apply to an ambulance service agency or Emergency Medical Services (EMS) provider?

These rules are specific to emergency medical services as defined in hospital rules only. An ambulance service agency and EMS provider operate under a different set of administrative rules pertaining to emergency services and as such these rules will not prevent an ambulance service agency or EMS provider from using similar terms.

Questions:

E-mail Mellony Bernal at mellony.c.bernal@state.or.us

For information on how to file a complaint go to:

<https://public.health.oregon.gov/ProviderPartnerResources/HealthcareProvidersFacilities/HealthcareHealthCareRegulationQualityImprovement/Pages/complaint.aspx>