



Oregon

Kate Brown, Governor

Medical Board

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January 13, 2022

Oregon Legislative Assembly
VIA E-MAIL

Re: ORS 183.403 Report from the Oregon Medical Board

Dear Legislators:

The Oregon Medical Board (“Board”) is pleased to submit this executive summary as required in ORS 183.403. In calendar year 2021, the Board adopted, amended, repealed or suspended rules as described below.

The Board has taken the following rulemaking actions under ORS 183.335(2) and (3):

- Adopted 1 rule
- Amended 11 rules
- Repealed 0 rules

The Board has taken the following temporary rulemaking actions under ORS 183.335(5). The required information on these rulemaking actions is available in the report on our website.

- Adopted 1 rule
- Amended 1 rule
- Suspended 0 rules

Thank you for your review of the Board’s rulemaking activity. This report is available on our website at <https://www.oregon.gov/omb/statutesrules/Pages/Statutes-Rules-Overview.aspx>.

Respectfully,

Elizabeth Ross
Legislative & Policy Analyst

cc: Brett Hanes, Legislative Administrator
Robert Cahn, MD, Chair, Oregon Medical Board
Nicole Krishnaswami, Executive Director, Oregon Medical Board

Oregon Medical Board
Administrative Rules Annual Report
HB 4106 (2016 Session)

Report contains rules filed during calendar year January 01, 2021 through December 31, 2021

Rules Adopted, Amended, or Repealed [ORS 183.335(2) and (3)]

Adopted	1
Amended	11
Repealed	0

Temporary Rules Adopted, Amended, or Suspended [ORS 183.335(5)]

Adopted	1
Amended	1
Suspended	0

OMB 4-2021

Filed: 06/15/2021 3:56 PM

847-035-0030

Amend

Statement of Need

On April 1, 2020, the Oregon Medical Board adopted a temporary rule and subsequently permanently adopted a rule to provide flexibility in the scope of practice for emergency medical services (EMS) providers during a declared emergency, see OAR 847-035-0032. The State of Oregon EMS Medical Director has used this authority several times during the COVID-19 declared emergency to make emergency EMS scope of practice changes. The temporary rule aligns with the EMS Medical Director protocol dated May 26, 2021, allowing Emergency Medical Technicians (EMT) and higher to prepare and administer COVID-19 immunizations under the direction of their supervising physician and within the agency's supervising physician's standing order.

Once the declared emergency ends in Oregon, emergency scope of practice changes will no longer be valid. However, the need for specified EMS providers to prepare and administer COVID-19 immunizations will continue. Based upon the needs of the community and health care systems, the temporary rule is needed to allow EMTs and higher to prepare and administer COVID-19 immunizations as specified. The temporary rule upholds the Oregon Medical Board's mission to protect the health, safety, and wellbeing of Oregon citizens by allowing specified EMS providers to prepare and administer COVID-19 immunizations to aid efforts to stop the COVID-19 pandemic.

Justification

EMS providers are uniquely situated to provide medical assistance in the community. Failure to immediately adopt the rule would return EMS providers, once the emergency ends, to the limits on their scope of practice prior to April 1, 2020, not allowing them to prepare and administer COVID-19 immunizations. The public would suffer these consequences. The temporary rule mitigates those consequences by allowing specified EMS providers to continue preparing and administering COVID-19 immunizations as currently allowed under the EMS Medical Director protocol. The Oregon Medical Board finds that failure to act promptly will result in serious prejudice to the public interest by not allowing specified EMS providers to assist with the efforts to help stop the COVID-19 pandemic.

OMB 11-2021

Filed: 10/13/2021 4:19 PM

847-010-0069

Adopt

Statement of Need

Given the current pandemic, the Oregon Health Authority implemented administrative rules that require health care workers, including providers licensed by the Oregon Medical Board, to take certain public health actions. The Oregon Medical Board has the authority under the Medical Practice Act to investigate and discipline licensees for unprofessional conduct. However, the Medical Practice Act is not specific with regards to expectations during this once in a century public health emergency. It is fair and reasonable that detailed expectations be laid out for Board licensees with regards to their behavior during the pandemic. As part of the Board's primary charge to protect the public, this temporary rule is needed to provide direction to Board licensees regarding compliance with the Oregon Health Authority's administrative rules requiring masking and vaccination to control COVID-19 in health care settings.

Justification

The Oregon Medical Board finds that failure to act promptly will result in serious prejudice to the public interest, healthcare providers, and patients seeking and relying on health care in Oregon. The Oregon Health Authority rules were recently implemented by the temporary rulemaking process and require immediate compliance actions by healthcare workers. The Board needs to adopt this temporary rule promptly to assist with statewide efforts to prevent and slow the spread of COVID-19. The Board is taking this action to provide immediate clarification for Board licensees regarding compliance with the Oregon Health Authority's administrative rules.