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OREGON MEDICAL BOARD

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FILING CAPTION: Mandatory Cultural Competency Education Requirement

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RULES:

847-008-0070, 847-008-0077

AMEND: 847-008-0070

RULE TITLE: Continuing Medical Competency (Education)

NOTICE FILED DATE: 10/05/2020

RULE SUMMARY: In 2019 (HB 2011), the Oregon Legislature mandated cultural competency continuing education for health care professionals starting July 1, 2021. The rule makes updates for the requirement.

RULE TEXT:

The Oregon Medical Board is committed to ensuring the continuing competence of its licensees for the protection, safety and well being of the public. All licensees must engage in a culture of continuous quality improvement and lifelong learning.

(1) Licensees renewing registration who had been registered with Active, Administrative Medicine Active, Locum Tenens, Military/Public Health Active, Telemedicine Active, Telemonitoring Active, or Teleradiology Active status for the previous registration period must demonstrate ongoing competency to practice medicine by:

(a) Ongoing participation in a program of recertification or maintenance of certification by an American Board of Medical Specialties (ABMS) board, the American Osteopathic Association's Bureau of Osteopathic Specialists (AOA-BOS), the American Board of Podiatric Medicine (ABPM), the American Board of Foot and Ankle Surgery (ABFAS), the National Commission on Certification of Physician Assistants (NCCPA), or the National Certification Commission for Acupuncture and Oriental Medicine (NCCAOM); or

(b) 60 hours of continuing medical education (CME) per two years relevant to the licensee's current medical practice, or 30 hours of CME if licensed during the second year of the biennium, as follows:

(A) American Medical Association (AMA) Category 1;

(B) American Osteopathic Association (AOA) Category 1-A or 2-A;

(C) American Podiatric Medical Association's (APMA) Council on Podiatric Medical Education approved sponsors of continuing education; or

(D) American Academy of Physician Assistants (AAPA) Category 1 (pre-approved); or

(c) 30 hours of NCCAOM-approved courses per two years relevant to the licensee's current practice, or 15 hours if

licensed during the second year of the biennium.

(2) Licensees renewing registration who had been registered with Emeritus status for the previous registration period must demonstrate ongoing competency by:

(a) Ongoing participation in re-certification by an ABMS board, the AOA-BOS, the ABPM, the ABFAS, the NCCPA, or the NCCAOM; or

(b) 15 hours of CME per year as follows:

(A) AMA Category 1 or 2;

(B) AOA Category 1-A, 1-B, 2-A or 2-B;

(C) APMA-approved continuing education; or

(D) AAPA Category 1 or 2; or

(c) 8 hours of NCCAOM-approved courses.

(3) Licensees who have lifetime certification without participation in a program of recertification or maintenance of certification with the ABMS, AOA-BOS, ABPM, ABFAS, or NCCPA must submit the required CME in section (1) (b) of this rule or section (2) (b) of this rule if renewing with Emeritus status.

(4) Licensees who have lifetime certification without participation in a program of recertification or maintenance of certification with the NCCAOM must submit the required CME in section (1) (c) of this rule or section (2) (c) of this rule if renewing with Emeritus status.

(5) Licensees serving in the military may provide documentation of military training or experience that is substantially equivalent to the continuing education required by the Board to meet the requirements of this rule.

(6)(a) CME in cultural competency is considered relevant CME for the current practice of all licensees and may be used toward satisfying the required CME hours and the cultural competency continuing education hours required in OAR 847-008-0077.

(b) CME in suicide risk assessment, treatment and management is considered relevant CME for the current practice of all licensees and may be used toward satisfying the required CME hours.

(c) CME in the detection and early diagnosis of Alzheimer's disease and in the appropriate prescribing of antipsychotic drugs to treat patients with Alzheimer's disease is considered relevant CME for the current practice of all physician and physician assistant licensees and may be used toward satisfying the required CME hours. Licensees practicing in primary care or geriatric care are encouraged to obtain the CME described here.

(7) Licensees who perform Level II office-based surgical procedures and who are not eligible or maintaining certification with an ABMS, AOA-BOS, ABPM, ABFAS, or NCCPA specialty board, must obtain 50 hours of CME each year. The CME hours must be relevant to the surgical procedures to be performed in the office-based facility and must be accredited as described in section (1)(b) of this rule. This requirement may not be satisfied with cultural competency CME or other CME that is only generally relevant to the licensee's practice.

(8) The Board may audit licensees for compliance with CME. Audited licensees have 60 days from the date of the audit to provide course certificates. Failure to comply or misrepresentation of compliance is grounds for disciplinary action.

(9) As the result of an audit, if licensee's CME is deficient or licensee does not provide adequate documentation, the licensee will be fined \$250 and must comply with CME requirements within 120 days from the date of the audit.

(a) If the licensee does not comply within 120 days of the date of the audit, the fine will increase to \$1000; and

(b) If the licensee does not comply within 180 days of the date of the audit, the licensee's license will be suspended for a minimum of 90 days.

(10) The following licensees are exempt from this rule:

(a) Licensees in residency training; and

(b) Volunteer Camp licensees.

STATUTORY/OTHER AUTHORITY: ORS 677.265, ORS 676.850, ORS 676.860

STATUTES/OTHER IMPLEMENTED: ORS 677.265, ORS 677.512, ORS 677.759, ORS 677.837, ORS 676.850, ORS 676.860, ORS 677.487

ADOPT: 847-008-0077

RULE TITLE: Mandatory Cultural Competency Education

NOTICE FILED DATE: 10/05/2020

RULE SUMMARY: Cultural competency education is a life-long process of examining values and beliefs while developing and applying an inclusive approach to health care practice in a manner that recognizes the context and complexities of provider-patient interactions and preserves the dignity of individuals, families, and communities. In 2019 (HB 2011), the Oregon Legislature mandated cultural competency continuing education for health care professionals starting July 1, 2021. Under the new requirement, Oregon Medical Board licensees must complete cultural competency continuing education as a condition of licensure.

Licensees required to comply: All Oregon physicians, physician assistants, and acupuncturists whose license is at a practicing status must meet this requirement. The only exceptions are licensees in residency training and volunteer camp licensees. Licensees with a "retired" status do not have to meet the requirement because their license is not at a practicing status.

Number of hours: Licensees must complete an average of at least one hour of cultural competency education per year during an audit period. An audit period is two renewal cycles (i.e. every four years for most licensees). Required hours will be based on the number of years licensed during the audit period; any portion of a year licensed will require one hour of cultural competency education. For example, a licensee who has been licensed for 3.5 years during the audit period will be required to obtain four hours of cultural competency education. Hours may be obtained at any time during the audit period. For example, either one four-hour experience, or four one-hour courses taken annually, would satisfy the requirement.

Educational opportunities: The cultural competency continuing education may (but does not have to) be accredited continuing medical education (CME). The law was written to allow a wide array of courses or experiences, which may include: courses delivered in-person or electronically, experiential or service learning, cultural or linguistic immersion, volunteering in a rural clinic, an employer's cultural competency training, or courses approved by the Oregon Health Authority.

Tracking completion: Licensees may, but are not required to, track educational hours on a Board-provided record keeping form. During license renewal (annually or biennially depending on the license), licensees will attest to completing the required hours by checking a box and reporting the number of hours obtained. The Board will audit for compliance every other renewal cycle with the first audit being conducted during the Fall 2023 renewal cycle. The cultural competency audit will be included within the existing audit for CME compliance. Beginning in 2023 (and every other renewal cycle thereafter), audited licensees will be asked to also produce documentation of their cultural competency educational experiences. Documentation may be a course certificate, the OMB record keeping form, or other documentation.

RULE TEXT:

Cultural competency continuing education is a life-long process of examining values and beliefs while developing and applying an inclusive approach to health care practice in a manner that recognizes the context and complexities of provider-patient interactions and preserves the dignity of individuals, families, and communities. Continuing education in cultural competency should teach attitudes, knowledge, and skills to care effectively for patients from diverse cultures, groups, and communities.

(1) As a condition of license registration renewal, all Oregon Medical Board licensees renewing registration, who had been registered with a practicing license, except the licensees listed in section (2) of this rule, must complete cultural competency continuing education as follows:

(a) Complete a minimum of one continuing education hour per year;

(b) Complete continuing education:

(A) Approved by the Oregon Health Authority under ORS 413.450, or

(B) Courses or experiences that apply linguistic skills, use cultural information for therapeutic relationships, or elicit

understanding and apply cultural and ethnic data in the process of clinical care, as provided in OAR 943-090-0020;

(c) Report at least every other license registration renewal cycle; and

(d) Attest to completing the required continuing education hours and report number of completed hours during the license registration renewal.

(2) The following licensees are exempt from this rule:

(a) Licensees in residency training; and

(b) Volunteer Camp licensees.

(3) Continuing education hours may be obtained at any time during the audit period.

(4) The required continuing education will be audited starting October 1, 2023 and every other license registration renewal thereafter. The audit will follow the timeframes and fines set forth in OAR 847-008-0070.

(5) Licensees must provide documentation of continuing education if requested by the Board.

(6) If applicable, cultural competency continuing education hours may be used to fulfill the continuing medical education (CME) hours required for registration renewal under 847-008-0070.

STATUTORY/OTHER AUTHORITY: ORS 677.265, ORS 676.850

STATUTES/OTHER IMPLEMENTED: ORS 677.265, ORS 676.850, ORS 413.450