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TEMPORARY ADMINISTRATIVE ORDER
INCLUDING STATEMENT OF NEED & JUSTIFICATION

OMB 6-2022

CHAPTER 847

OREGON MEDICAL BOARD

FILED

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ARCHIVES DIVISION
SECRETARY OF STATE
& LEGISLATIVE COUNSEL

FILING CAPTION: Limited License, Visiting Provider

EFFECTIVE DATE: 03/10/2022 THROUGH 09/05/2022

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NEED FOR THE RULE(S):

Since March 8, 2020, Oregon has been under a Governor-declared emergency due to the COVID-19 pandemic. This provision allowed the Oregon Medical Board (OMB) to issue over 900 temporary authorizations for out of state physicians (MD/DO/DPM) and physician assistants (PA) to provide care to patients located in Oregon. The temporary authorizations expire when the declared emergency ends. Over the last two years, Oregon patients and health systems have relied upon these temporary authorizations during this challenging environment. There are currently about 750 physicians and PAs with an active temporary authorization; however, the OMB does not have data on how many or to what extent these providers are actually practicing in Oregon. To provide a transition period once the declared emergency ends, the temporary rule is needed to automatically grant a 90-day limited license to physicians and PAs who held a temporary authorization. The temporary rule is needed to assist with the state's recovery period and provides time for providers to apply for Oregon licensure.

JUSTIFICATION OF TEMPORARY FILING:

The OMB 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 by potentially eliminating about 750 physicians and PAs from practice in Oregon. The OMB needs to adopt this temporary rule promptly to assist with the state's recovery efforts and allow time to transition providers to Oregon licensure. The OMB is taking this action to provide an additional 90 days for these providers to continue providing care to Oregon patients.

DOCUMENTS RELIED UPON, AND WHERE THEY ARE AVAILABLE:

ORS 677, https://www.oregonlegislature.gov/bills_laws/ors/ors677.html

Governor's Executive Orders, <https://www.oregon.gov/gov/admin/Pages/executive-orders.aspx>

AMEND: 847-010-0066

RULE TITLE: Limited License, Visiting Provider

RULE SUMMARY: To provide a transition period once the declared emergency ends, the temporary rule automatically grants a 90-day limited license to physicians and PAs who held a temporary authorization at the end of the declared

emergency. The limited license assists with the state's recovery period and provides time for providers to apply for Oregon licensure.

RULE TEXT:

(1) The Board recognizes that physicians and physician assistants with a particular specialty, skill, or interest are occasionally needed to fill a narrow teaching, clinical, or legal role for a brief period of time upon short notice. In fulfillment of the Board's mission to protect the health, safety, and wellbeing of Oregon patients while promoting access to quality care, the Board may grant limited licenses for visiting physicians and physician assistants for a specified time and purpose.

(2) A Limited License, Visiting Provider is available for the following limited purposes:

(a) To obtain or provide training unrelated to enrollment in a postgraduate training program for a period up to 30 days per year in a hospital, ambulatory surgical center, or accredited office-based surgery facility per OAR 847-017-0010.

(b) To provide health care services without compensation at a community nonprofit organization for a period up to five consecutive days per year.

(c) To review medical records, perform physical or mental examinations, and offer an opinion on a person's diagnosis or treatment as an expert witness in an Oregon civil or criminal case for a period up to 30 days per year.

(A) A provider approved under this subsection must report any clinical or secondary findings to the patient's primary care provider or specialist.

(B) A provider approved under this subsection may not prescribe, administer, or dispense medications and may not order laboratory or imaging studies.

(d) To provide care during the 90 consecutive days immediately following the end of an emergency declared by the Governor of Oregon.

(3) To qualify for Limited License, Visiting Provider, a physician or physician assistant must:

(a) Be currently licensed in good standing in another state or country in which they are actively practicing medicine;

(b) Have an actively licensed Oregon physician in good standing without disciplinary action who will supervise the visiting provider's practice of medicine in Oregon unless otherwise approved for the purpose described in subsection (2)(d) of this rule;

(c) Be asked to practice medicine in Oregon for one of the limited purposes provided in section (2) of this rule; and

(d) If qualifying for the purpose described in subsection (2)(d) of this rule, hold an active temporary authorization under OAR 847-010-0068(1), which was issued during the Governor-declared emergency.

(4) To apply for Limited License, Visiting Provider for the purposes described in subsections (2)(a)-(c) of this rule, the physician or physician assistant must:

(a) Submit an application at least two weeks before the requested date for starting practice in Oregon, and

(b) Ensure that the following documents are sent directly from the source to the Board:

(A) Documentation that the applicant's medical license is current and in good standing in the state or country where the provider is actively practicing medicine; and

(B) A letter from the requesting hospital administrator or administrator of the accredited facility and a letter from the hospital chief of staff, hospital department chairperson or member of the governing body of the accredited facility; or a letter from the community nonprofit organization; or a letter from the Oregon licensed physician supervising the visiting provider. The letter(s) must contain the following information:

(i) Dates of Oregon practice of the visiting provider;

(ii) Description of the medical services;

(iii) Name of the responsible Oregon-licensed physician who will supervise; and

(iv) If the visiting provider application is requested under subsection (1)(a) of this rule, documentation that the requesting hospital, ambulatory surgical center, or accredited facility has approved privileges for the visiting provider.

(5) For the purpose described in subsection (2)(d) of this rule, a Limited License, Visiting Provider will be granted automatically to those physicians and physician assistants who hold an active temporary authorization under OAR 847-010-0068(1) upon termination of the Governor-declared emergency.

(6) A provider licensed under this rule has the same duties and responsibilities and is subject to the same Oregon laws and rules, including grounds for disciplinary action, penalties, and sanctions, as any other Oregon-licensed physician or physician assistant.

(7) A provider licensed under this rule must inform patients and/or all parties involved in the criminal or civil case that the physician or physician assistant holds a limited license restricted by time and purpose.

(8) The physician or physician assistant who requests additional time or who requests to practice beyond the limitations of this rule in Oregon must apply for and obtain a license to practice in the State of Oregon.

STATUTORY/OTHER AUTHORITY: ORS 677.265

STATUTES/OTHER IMPLEMENTED: ORS 677.060, 677.085, 677.132, 677.190, 677.265