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ARCHIVES DIVISION

STEPHANIE CLARK  
DIRECTOR

800 SUMMER STREET NE  
SALEM, OR 97310  
503-373-0701

## PERMANENT ADMINISTRATIVE ORDER

### OMB 18-2022

CHAPTER 847

OREGON MEDICAL BOARD

**FILED**

10/12/2022 1:00 PM  
ARCHIVES DIVISION  
SECRETARY OF STATE  
& LEGISLATIVE COUNSEL

FILING CAPTION: Establishes requirements for Oregon Medical Board licensees to offer medical chaperones

EFFECTIVE DATE: 10/12/2022

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CONTACT: Elizabeth Ross

971-673-2700

elizabeth.ross@omb.oregon.gov

1500 SW 1st Avenue Suite 620

Portland, OR 97201

Filed By:

Elizabeth Ross

Rules Coordinator

ADOPT: 847-010-0130

RULE TITLE: Medical Chaperones

NOTICE FILED DATE: 07/11/2022

RULE SUMMARY: Starting July 1, 2023, the rule requires a universal offering of a medical chaperone by OMB licensees for all breast, genital, and rectal examinations, no matter the medical specialty. The rule allows a patient to decline the offer a chaperone, but it should be explained that the chaperone is an integral part of the clinical team whose role includes protecting the patient and the provider. If the patient declines, the updated rule allows the OMB licensee to defer the examination for the protection of the patient and the licensee. See the OMB's Medical Chaperone webpage for more information.

RULE TEXT:

(1) As of July 1, 2023, a licensee must offer a trained chaperone to be physically present for all:

- (a) Genital and rectal examinations regardless of gender; and
- (b) Breast examinations for patients who identify as female.

(2) The licensee must ensure that the chaperone:

- (a) Is not a personal friend or relative of the patient or licensee; and
- (b)(A) Holds an active Oregon license to practice a health care profession; or
- (B) Completes a course for medical chaperones approved by the Oregon Medical Board.

(3) During a breast, genital, or rectal examination when a chaperone is requested, the chaperone may not participate in acts that would obstruct or distract the chaperone from observing the licensee's behavior and actions throughout the exam, procedure, or clinical encounter.

(4) For all breast, genital, and rectal examinations, the presence or absence of a chaperone must be documented in the patient chart.

(5) The patient may decline the presence of a chaperone for a breast, genital, and rectal examination. If the patient declines, the licensee:

- (a) May defer the breast, genital, or rectal examination if, in the provider's judgment, deferring the examination is in the best interest of the patient and the licensee.
- (b) May perform the examination and document the patient's consent to proceed without the presence of a chaperone.

(6) A licensee is not required under this rule to offer a chaperone be present in circumstances in which it is likely that failure to examine the patient would result in significant and imminent harm to the patient, such as during a medical emergency.

(7) A licensee is not required to offer a chaperone if a chaperone is already present in the normal course of the examination.

STATUTORY/OTHER AUTHORITY: ORS 677.265

STATUTES/OTHER IMPLEMENTED: ORS 677.265