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CHAPTER 847
OREGON MEDICAL BOARD

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FILING CAPTION: Updating BLS and ACLS certification requirements for OMB licensees performing office-based surgery.

EFFECTIVE DATE: 10/09/2023

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RULES:

847-017-0003, 847-017-0010

AMEND: 847-017-0003

RULE TITLE: Classification of Office-Based Surgery

NOTICE FILED DATE: 07/11/2023

RULE SUMMARY: The rule amendment clarifies the rule requires an active American Heart Association Basic Life Support certification or equivalent CPR course that includes a practical skills evaluation for licensees performing office-based surgeries. The rule amendment also clarifies licensees performing Level II or Level III office-based surgeries must be certified in American Heart Association Advanced Cardiovascular Life Support or equivalent ACLS course that includes a practical skills evaluation.

RULE TEXT:

Office-based surgeries are classified by complexity.

(1) Level I are minor surgical procedures performed without anesthesia or under topical, local, or minor conduction block anesthesia not involving drug-induced alteration of consciousness, other than minimal sedation utilizing preoperative oral anxiolytic medications.

(a) The licensee must pursue continuing medical education in the field for which the services are being provided and in the proper drug dosages, management of toxicity, and hypersensitivity to local anesthetic and other drugs.

(b) The licensee must maintain active American Heart Association Basic Life Support (BLS) certification or equivalent CPR course that includes a practical skills evaluation.

(2) Level II are minor or major surgical procedures performed under moderate sedation/analgesia, such as oral, parenteral, or intravenous sedation or under analgesic or dissociative drugs.

(a) In addition to the requirements in section (1) of this rule, the licensee must:

(A) Maintain board certification or board eligibility in a specialty recognized by the American Board of Medical Specialties (ABMS), 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) or the National

Commission on Certification of Physician Assistants (NCCPA), or

(B) Obtain fifty hours each year of accredited continuing medical education (CME) relevant to the Level II surgical procedures to be performed in the office-based facility. This requirement may not be satisfied with cultural competency CME or other CME that is only generally relevant to the licensee's practice.

(b) The licensee must maintain active American Heart Association Advanced Cardiovascular Life Support (ACLS) certification or equivalent ACLS course that includes a practical skills evaluation. The licensee must be on site at all times when patients are under the effects of anesthetic.

(c) The licensee administering anesthesia must evaluate and document the ASA Physical Status of the patient.

(d) The patient must be appropriately monitored as defined in 847-017-0005.

(3) Level III are major surgical procedures that require deep sedation/analgesia, general anesthesia, or regional blocks, and require support of vital bodily functions.

(a) In addition to the requirements in section (1) of this rule, the licensee must:

(A) Have staff privileges to perform the same procedure in a hospital or ambulatory surgical center, or

(B) Maintain board certification or board eligibility in an appropriate specialty recognized by the ABMS, the AOA-BOS, the ABPM, the ABFAS or the NCCPA.

(b) The licensee must maintain active American Heart Association Advanced Cardiovascular Life Support (ACLS) certification or equivalent ACLS course that includes a practical skills evaluation. The licensee must be on site at all times when patients are under the effects of anesthetic.

(c) The licensee administering anesthesia must evaluate and document the ASA Physical Status of the patient.

(d) The patient must be appropriately monitored as defined in 847-017-0005.

(e) The licensee performing the procedure may not administer anesthesia other than additional local anesthesia and may not be primarily responsible for monitoring anesthesia during the procedure.

(4) Procedures or treatments involving the injection of a medication or substance for cosmetic purposes are the practice of medicine and must be performed as an office-based surgical procedure.

(5) Lipoplasty involving the removal of 500 cc or less volume of supernatant fat may be performed as a Level I surgical procedure. Office-based lipoplasty involving more than 500 cc volume of supernatant fat must be performed as a Level II or Level III surgical procedure.

(a) The performance of lipoplasty in an office-based setting may not result in the removal of more than 5% of total body weight or more than 4500 cc volume of supernatant fat removed, whichever is less.

(b) The licensee may not use more than 55 mg/kg of Lidocaine or 70 mcg/kg of epinephrine for tumescent anesthesia. The concentration of epinephrine in tumescent solutions may not exceed 1.5 mg/L.

(6) The following may not be performed in an office-based surgical facility:

(a) Procedures that may result in blood loss of more than 4% of the estimated blood volume in a patient with a normal hemoglobin;

(b) Procedures requiring intracranial, intrathoracic, or abdominal cavity entry;

(c) Joint replacement procedures; and

(d) Level II or Level III procedures on patients with an ASA Physical Status IV or higher.

STATUTORY/OTHER AUTHORITY: ORS 677.265

STATUTES/OTHER IMPLEMENTED: ORS 677.265

AMEND: 847-017-0010

RULE TITLE: Licensee Use of Office-Based Surgical Facilities

NOTICE FILED DATE: 07/11/2023

RULE SUMMARY: The rule amendment updates the list of Board-recognized accreditation agencies for Level II or Level III facilities. In 2022, the American Association for Accreditation of Ambulatory Surgical Facilities (AAAASF) completed an extensive rebranding effort and changed the organization's name from AAAASF to QUAD A. On July 31, 2020, the Institute for Medical Quality (IMQ) stopped providing accreditation services and the rule amendment removes this organization from the list along with the Oregon Medical Association who stopped offering providing accreditation services in 2013.

RULE TEXT:

A licensee performing office-based surgery must ensure that the facility meets standards to ensure patient safety.

- (1) Facilities where office-based surgeries are performed must comply with all federal and state laws and regulations that affect the practice.
- (2) Facilities where Level II or Level III office-based surgeries are performed must be accredited by an appropriate, Board-recognized accreditation agency, including the QUAD A, the Accreditation Association of Ambulatory Health Care (AAAH), or the Joint Commission. Licensees of the Board performing office-based procedures in a new or existing facility, must ensure that facility is accredited within one year of the start date of the office-based procedures being performed or the date these rules are adopted, whichever is later. During the period of time the facility is in the accreditation process, the facility will make changes to come into compliance with the Administrative Rules in this Division.
- (3) Facilities where Level II or Level III office-based surgeries are performed must provide health care personnel who have appropriate education, training and licensure for administration and monitoring of moderate sedation/analgesia, deep sedation/analgesia, general anesthesia or regional block.
- (4) A licensee who holds a MD or DO degree as well as a DDS (Doctor of Dental Surgery) or DMD (Doctor of Dental Medicine) degree and is an active member of the Oregon Society of Oral Maxillofacial Surgeons (OSOMS) may perform maxillofacial procedures in a facility approved by the OSOMS and function under the administrative rules of the Oregon Board of Dentistry, OAR chapter 818, division 026. For all procedures that are not oral maxillofacial in nature, licensees with medical and dental licenses must follow rules laid out in OAR chapter 847, division 017.

STATUTORY/OTHER AUTHORITY: ORS 677.265, ORS 679.255

STATUTES/OTHER IMPLEMENTED: ORS 677.060, ORS 677.265, ORS 679.255