

OFFICE OF THE SECRETARY OF STATE

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ARCHIVES DIVISION

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**NOTICE OF PROPOSED RULEMAKING**  
INCLUDING STATEMENT OF NEED & FISCAL IMPACT

CHAPTER 847  
OREGON MEDICAL BOARD

**FILED**

07/11/2022 4:32 PM  
ARCHIVES DIVISION  
SECRETARY OF STATE

FILING CAPTION: Updating Qualifications to Perform Ankle Surgery

LAST DAY AND TIME TO OFFER COMMENT TO AGENCY: 08/24/2022 5:00 PM

*The Agency requests public comment on whether other options should be considered for achieving the rule's substantive goals while reducing negative economic impact of the rule on business.*

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Portland, OR 97201

Filed By:  
Elizabeth Ross  
Rules Coordinator

HEARING(S)

*Auxiliary aids for persons with disabilities are available upon advance request. Notify the contact listed above.*

DATE: 08/23/2022

TIME: 10:00 AM

OFFICER: Elizabeth Ross

ADDRESS: Videoconference Only

Videoconference

Videoconference, OR 97201

SPECIAL INSTRUCTIONS:

Public hearing will be held via videoconference and by phone: Zoom meeting ID: Meeting ID: 816 7553 7143

Passcode: cx3+gYcx.

or Phone: 253-215-8782 , Meeting ID: 816 7553 7143

Passcode: 250129897

For details, <https://omb.oregon.gov/rules>

NEED FOR THE RULE(S)

The proposed rule amendments are needed to provide parity between the American Board of Foot and Ankle Surgery and the American Board of Podiatric Medicine by not requiring board certification as an Oregon Medical Board rule qualification for a podiatric physician to perform ankle surgery. The rule retains the surgical residency requirements for a podiatric physician to qualify to perform ankle surgery. The proposed rule would not impact the credentialing and privileging requirements established by hospitals and ambulatory surgery centers.

DOCUMENTS RELIED UPON, AND WHERE THEY ARE AVAILABLE

ORS 677, [https://www.oregonlegislature.gov/bills\\_laws/ors/ors677.html](https://www.oregonlegislature.gov/bills_laws/ors/ors677.html)

STATEMENT IDENTIFYING HOW ADOPTION OF RULE(S) WILL AFFECT RACIAL EQUITY IN THIS STATE

The proposed rule amendment removes the requirement for podiatric physicians to be certified by the American Board

of Foot and Ankle Surgery in order to qualify to perform ankle surgery. The proposed rule would not impact the credentialing and privileging requirements established by hospitals and ambulatory surgery centers. The proposed rule will not impact racial equity.

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**FISCAL AND ECONOMIC IMPACT:**

The proposed rule amendment will have a minimal fiscal impact on the Oregon Medical Board, updating the qualifications allows additional podiatric physicians to qualify to perform ankle surgery. The Board will have minimal workload increases to approve additional podiatric physicians to perform ankle surgery.

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**COST OF COMPLIANCE:**

*(1) Identify any state agencies, units of local government, and members of the public likely to be economically affected by the rule(s). (2) Effect on Small Businesses: (a) Estimate the number and type of small businesses subject to the rule(s); (b) Describe the expected reporting, recordkeeping and administrative activities and cost required to comply with the rule(s); (c) Estimate the cost of professional services, equipment supplies, labor and increased administration required to comply with the rule(s).*

(1) The rule amendment will have minimal economic impact on physicians licensed in Oregon and the public by updating the OMB rule qualifications for a podiatric physician to qualify to perform ankle surgery. (2) The rule amendment applies to individual licensees of the Oregon Medical Board; small businesses are not eligible for a Board license. Small businesses may employee board licensees impacted by the rule. The number of these small businesses is unknown. (b) The rulemaking imposes no additional mandatory reporting, recordkeeping or other administrative requirements on small businesses. (c) The rulemaking imposes no additional requirements regarding equipment, supplies, labor or administration.

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**DESCRIBE HOW SMALL BUSINESSES WERE INVOLVED IN THE DEVELOPMENT OF THESE RULE(S):**

Members of the Board who were consulted in the development of the rule represent small businesses. The rule was reviewed by the Administrative Affairs Committee of the Board on March 9 and June 8, 2022, as well as the full Board at its quarterly meeting on April 7 and July 7, 2022

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**WAS AN ADMINISTRATIVE RULE ADVISORY COMMITTEE CONSULTED? NO IF NOT, WHY NOT?**

The rule was reviewed by the Administrative Affairs Committee of the Board on March 9 and June 8, 2022, as well as the full Board at its quarterly meeting on April 7 and July 7, 2022. Board members represent the interests of persons and communities likely to be affected by a proposed rule. Overall, board members are licensees of the Oregon Medical Board or public members who represent Oregon patients.

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AMEND: 847-080-0022

**RULE SUMMARY:** The proposed rule amendment removes board certification as a qualification for a podiatric physician to perform ankle surgery, but retains the surgical residency requirements. The amendment provides parity between the American Board of Foot and Ankle Surgery and the American Board of Podiatric Medicine. The proposed rule would not impact the credentialing and privileging requirements established by hospitals and ambulatory surgery centers.

**CHANGES TO RULE:**

847-080-0022

**Qualifications to Perform Ankle Surgery ¶**

Ankle surgery must be conducted in a certified hospital or in an ambulatory surgical center certified by the ~~Health Division~~ **Oregon Health Authority**. To be eligible to perform ankle surgery in the sState of Oregon, the licensed podiatrist ~~shall meet the qualifications from one of the following sections prior to being approved by the Board to~~

perform ankle surgery:¶

(1) Completion of a Council on Podiatric Medical Education (CPME) approved surgical residency; board certification by the American Board of Foot and Ankle Surgery (ABFAS); documented clinical experience as approved by the Board; and current clinical privileges to perform reconstructive/rearfoot ankle surgery in a Joint Commission approved hospital; or¶

(2) Completion of a CPME approved surgical residency; and board qualified by the ABFAS in Reconstructive Rearfoot/Ankle Surgery progressing to board certification in Reconstructive Rearfoot/Ankle Surgery within seven years must have completed a surgical residency approved by the Council on Podiatric Medical Education (CPME).

Statutory/Other Authority: ORS 677.245

Statutes/Other Implemented: ORS 677.805, 677.812