



Oregon

Kate Brown, Governor

Medical Board

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January 25, 2021

Oregon Legislative Assembly
VIA E-MAIL

Re: ORS 183.403 Report from the Oregon Medical Board

Dear Legislators:

The Oregon Medical Board (“Board”) is pleased to submit this executive summary as required in ORS 183.403. In calendar year 2020, the Board adopted, amended, repealed or suspended rules as described below.

The Board has taken the following rulemaking actions under ORS 183.335(2) and (3):

- Adopted 4 rules
- Amended 14 rules
- Repealed 0 rules

The Board has taken the following temporary rulemaking actions under ORS 183.335(5). The required information on these rulemaking actions is available in the report on our website.

- Adopted 1 rule
- Amended 2 rules
- Suspended 0 rules

Thank you for your review of the Board’s rulemaking activity. This report is available on our website at www.oregon.gov/omb/statutesrules/Pages/Statutes-Rules-Overview.aspx.

Respectfully,

Elizabeth Ross
Legislative & Policy Analyst

cc: Brett Hanes, Interim Legislative Administrator, brett.hanes@oregonlegislature.gov
Kathleen Harder, MD, Chair, Oregon Medical Board, kmharder76@gmail.com
Nicole Krishnaswami, Executive Director, Oregon Medical Board, nicole.krishnaswami@omb.oregon.gov

Oregon Medical Board
Administrative Rules Annual Report
HB 4106 (2016 Session)

Report contains rules filed during calendar year January 01, 2020 and December 31, 2020

Rules Adopted, Amended, or Repealed [ORS 183.335(2) and (3)]

Adopted	4
Amended	14
Repealed	0

Temporary Rules Adopted, Amended, or Suspended [ORS 183.335(5)]

Adopted	1
Amended	2
Suspended	0

OMB 4-2020

Filed: 03/20/2020 5:22 PM

847-010-0068

Amend

Statement of Need

The temporary rule is needed to increase the potential number of physicians and physician assistants who can care for patients in Oregon during a declared emergency. The temporary rule meets that need by reducing practice restrictions and providing a streamlined reactivation process for a qualified group of physicians and physician assistants during a declared emergency.

Justification

The Governor of Oregon declared a state of emergency due to the COVID-19 outbreak on March 8, 2020. The Governor's Executive Order No. 20-03 directs state agencies to develop and implement procedures, including adopting temporary rules within the agency's authority designed to prevent or alleviate the public health threat.

The Oregon Medical Board's temporary rule is needed to increase the potential number of physicians and physician assistants who can care for patients in Oregon during the declared emergency while continuing to uphold the Board's mission to protect the health, safety, and wellbeing of Oregon citizens. Failure to immediately amend the rule would prevent these physicians and physician assistants the ability to return to active practice in Oregon during the declared emergency. Oregonians seeking medical care would suffer these consequences. Acting now will give these physicians and physician assistants and the health care systems they work within the ability to onboard them now.

The temporary rule mitigates those consequences by providing a streamlined process for Administrative Medicine, Inactive, Lapsed, and Retired status licensees to reactivate to Active status. The temporary rule reduces practice restrictions for Locum Tenens and Emeritus status licensees during the declared emergency. The Oregon Medical Board finds that failure to act promptly will result in serious prejudice to the public interest by not immediately allowing these physicians and physician assistants the ability to expand or return to active practice in Oregon.

OMB 5-2020

Filed: 03/31/2020 5:26 PM

847-035-0032

Adopt

Statement of Need

Based upon the needs of the community and health care systems, the temporary rule is needed to provide flexibility in

the scope of practice for emergency medical services (EMS) providers during the period of the COVID-19 declared emergency. The temporary rule upholds the Oregon Medical Board's mission to protect the health, safety, and wellbeing of Oregon citizens by only allowing this flexibility under a supervising physician's standing orders and within the protocols established by the State of Oregon EMS Medical Director, subject to such limitations and conditions as the Governor or Oregon Medical Board may prescribe.

Justification

The Governor of Oregon declared a state of emergency due to the COVID-19 outbreak on March 8, 2020. The Governor's Executive Order No. 20-03 directs state agencies to develop and implement procedures, including adopting temporary rules within the agency's authority designed to prevent or alleviate the public health threat.

The Oregon Medical Board's temporary rule is needed to provide flexibility in the scope of practice for EMS providers during the COVID-19 declared emergency, subject to limits provided in the temporary rule. EMS providers are uniquely situated to provide medical assistance in the community. Failure to immediately adopt the rule would uphold the current limits on the scope of practice for EMS providers and not allow them to provide additional medical services during the COVID-19 declared emergency.

The temporary rule mitigates those consequences by providing flexibility in the EMS scope of practice during the declared emergency, subject to limits provided in the temporary rule. The Oregon Medical Board finds that failure to act promptly will result in serious prejudice to the public interest by not immediately allowing EMS providers to serve the community in a greater capacity during the COVID-19 declared emergency.

OMB 15-2020

Filed: 12/10/2020 10:37 AM

847-010-0068

Amend

Statement of Need

The temporary rule is needed to clarify and assure that during a declared emergency all board licensees are expected, in connection with the practice of medicine, to fully comply with Executive Orders and statewide guidance implementing the Executive Orders when the Order or guidance documents in whole or in part address or affect the delivery of healthcare to Oregon patients.

Justification

The Governor of Oregon declared a state of emergency due to the public health threat of the COVID-19 pandemic. The Governor's Executive Order No. 20-03 directs state agencies to develop and implement procedures, including adopting temporary rules within the agency's authority designed to prevent or alleviate the public health threat.

The Oregon Medical Board's temporary rule is needed in response to the COVID-19 pandemic to support efforts to keep Oregon patients safe when accessing healthcare from Oregon Medical Board licensees during a declared emergency.

The Board finds that failure to act promptly will result in serious prejudice to the public interest and could setback efforts to keep Oregonians safe during a declared emergency and adversely affect public health and safety. The temporary action clarifies and assures that during a declared emergency all board licensees are expected, in connection with the practice of medicine, to fully comply with Executive Orders and statewide guidance implementing the Executive Orders when the Order or guidance documents in whole or in part address or affect the delivery of healthcare to Oregon patients.