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BEV CLARNO
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INTERIM DEPUTY SECRETARY OF STATE



ARCHIVES DIVISION

STEPHANIE CLARK
DIRECTOR

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

TEMPORARY ADMINISTRATIVE ORDER
INCLUDING STATEMENT OF NEED & JUSTIFICATION

OMB 4-2020

CHAPTER 847
OREGON MEDICAL BOARD

FILED

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ARCHIVES DIVISION
SECRETARY OF STATE
& LEGISLATIVE COUNSEL

FILING CAPTION: Practice in Oregon by Physicians and Physician Assistants in the Event of an Emergency

EFFECTIVE DATE: 03/20/2020 THROUGH 09/15/2020

AGENCY APPROVED DATE: 03/20/2020

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

NEED FOR THE RULE(S):

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 OF TEMPORARY FILING:

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.

DOCUMENTS RELIED UPON, AND WHERE THEY ARE AVAILABLE:

Executive Order No. 20-03, https://www.oregon.gov/gov/Documents/executive_orders/eo_20-03.pdf
ORS 677.265, https://www.oregonlegislature.gov/bills_laws/ors/ors677.html
OAR 847-003-0100, <https://secure.sos.state.or.us/oard/viewSingleRule.action?ruleVrsnRsn=213819>

RULE TITLE: Practice in Oregon by Physicians and Physician Assistants in the Event of an Emergency

RULE SUMMARY: 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 provides 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.

RULE TEXT:

(1) In the event of an emergency declared by the Governor of Oregon, the Oregon Medical Board shall allow physicians and/or physician assistants licensed in another state to provide medical care in Oregon under special provisions during the period of the declared emergency, subject to such limitations and conditions as the Governor may prescribe.

(a) The out-of-state physician and/or physician assistant shall submit to the Board the following information:

(A) Verification of a permanent, current, and unrestricted license to practice in another state which is not the subject of a pending investigation by a hospital, a state medical board, or another state or federal agency; and

(B) Current federal or state photo identification, i.e., driver license or passport.

(b) The requirement for completing and submitting the information to the Board is waived if the out-of-state physician and/or physician assistant is a member of the National Disaster Medical System (NDMS) under the Office of Emergency Preparedness, U.S. Department of Health and Human Services, and submits to the Board a copy of his/her NDMS photo identification.

(c) The physician and/or physician assistant shall provide the Board documentation demonstrating a request to provide medical care from a hospital, clinic or private medical practice, public health organization, EMS agency, or federal medical facility, or has otherwise made arrangements to provide medical care in Oregon as the result of the declaration of an emergency.

(d) The out-of-state physician and/or physician assistant shall not practice in Oregon under the special emergency provisions beyond the termination date of the emergency. Practice in Oregon beyond the termination date of the declared emergency requires licensure through the Oregon Medical Board.

(2) In the event of an emergency declared by the Governor of Oregon, the Oregon Medical Board may allow Emeritus and Locum Tenens physicians and/or physician assistants to provide medical care in Oregon under special provisions, subject to such limitations and conditions as the Governor may prescribe.

(a) Emeritus. Notwithstanding OAR 847-008-0030 and OAR 847-050-0046, Emeritus status licensees may receive compensation for services during the period of the declared state of emergency without completing the reactivation process.

(b) Locum Tenens. The period of a declared state of emergency will not count toward the practice period limits in OAR 847-008-0020.

(3) In the event of an emergency declared by the Governor of Oregon, the Oregon Medical Board may allow Administrative Medicine, Inactive, Lapsed, and Retired physicians and/or physician assistants to reactivate to Active status in Oregon under special provisions, subject to such limitations and conditions as the Governor may prescribe.

(a) To qualify, the physician and/or physician assistant must:

(A) Have had an active clinical practice within the past three years;

(B) No longer hold an active license to practice medicine in another state; and

(C) Have been in good standing at the time the Oregon license status became Administrative Medicine, Inactive, Lapsed, or Retired.

(b) Notwithstanding OAR 847-008-0025, 847-008-0035, 847-008-0037, 847-008-0050, 847-008-0055, and 847-050-0043, to apply for reactivation, the physician and/or physician assistant with an Administrative Medicine, Inactive,

Lapsed, or Retired status license must submit to the Board the following information:

- (A) An affidavit describing medically related activities during the period of inactivity;
 - (B) A current federal or state photo identification, i.e., driver license or passport; and
 - (C) Documentation demonstrating a request to provide medical care from a hospital, clinic or private medical practice, public health organization, EMS agency, or federal medical facility, or other arrangements to provide medical care in Oregon as the result of the declaration of an emergency.
- (c) Prior to reactivating, the Board will query national disciplinary databank(s) and will conduct a criminal background check.
- (d) The reactivation application fee is waived, but registration fees are required pursuant to OAR 847-005-0005.
- (e) Active status may be granted through the end of a year in which a state of emergency exists. The license may be returned to its previous status or to an inactive status prior to the license expiration date if the licensee is no longer providing medical care in response to the declared emergency.
- (4) Any restrictions or requirements imposed against a licensee through an active Oregon Medical Board Order or Agreement remain in effect during the period of the declared emergency.

STATUTORY/OTHER AUTHORITY: ORS 677.265

STATUTES/OTHER IMPLEMENTED: ORS 677.060(4), ORS 677.172(3), ORS 677.175(1)