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ARCHIVES DIVISION

STEPHANIE CLARK
DIRECTOR

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

NOTICE OF PROPOSED RULEMAKING
INCLUDING STATEMENT OF NEED & FISCAL IMPACT

CHAPTER 847
OREGON MEDICAL BOARD

FILED

07/15/2024 2:43 PM
ARCHIVES DIVISION
SECRETARY OF STATE

FILING CAPTION: Increasing maximum registration period for postgraduate Limited License.

LAST DAY AND TIME TO OFFER COMMENT TO AGENCY: 08/26/2024 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.

A public rulemaking hearing may be requested in writing by 10 or more people, or by a group with 10 or more members, within 21 days following the publication of the Notice of Proposed Rulemaking in the Oregon Bulletin or 28 days from the date the Notice was sent to people on the agency mailing list, whichever is later. If sufficient hearing requests are received, the notice of the date and time of the rulemaking hearing must be published in the Oregon Bulletin at least 14 days before the hearing.

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 proposed rule amendments are needed to increase the maximum registration period for a postgraduate limited license from one year to up to five years, not to exceed a postgraduate trainee's enrollment in the postgraduate program.

DOCUMENTS RELIED UPON, AND WHERE THEY ARE AVAILABLE

ORS 677, 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 increases the maximum registration period for a postgraduate limited license to 5 years. The proposed rule amendment is not expected to affect racial equity in this state.

FISCAL AND ECONOMIC IMPACT:

The proposed rule amendment will have a minimal positive fiscal and economic impact to the Oregon Medical Board. There will be a minimal positive fiscal or economic impact to postgraduate trainees applying for a limited license and Graduate Medical Education program staff through efficiencies in not applying annually.

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 provide minimal economic impact on the OMB, postgraduate trainees, and Graduate

Medical Education programs through efficiencies in not applying annually. The current postgraduate limited license fee of \$185 per year would remain the same; however, the annual registration fee could be paid up front when the license is issued rather than annually with each reapplication, this may economically affect postgraduate trainees and GME programs. However, postgraduate trainees and GME programs may still utilize the current annual process and payment. (2) The rule amendment applies to individual postgraduate trainees in Oregon applying for a limited license; small businesses are not eligible for a Board license. (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.

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 June 12, 2024, as well as the full Board at its quarterly meeting on July 11, 2024.

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 June 12, 2024, as well as the full Board at its quarterly meeting on July 11, 2024. 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.

AMEND: 847-010-0051

RULE SUMMARY: The rule amendments increase the maximum registration period for a postgraduate limited license from one year to up to five years, not to exceed a postgraduate trainee's enrollment in the postgraduate program. Currently, postgraduate physicians are granted a 12- or 13-month limited license that must be reapplied for each additional year of training. Reapplying each year creates redundant work for postgraduates, Graduate Medical Education (GME) programs, and OMB staff. The proposed rulemaking would allow a postgraduate physician to select the number of years for the limited license, up to five years and not to exceed their postgraduate training program's period. Most GME programs in Oregon are 3-4 years. If a postgraduate physician needed additional years, they could reapply. The current postgraduate limited license fee of \$185 per year would remain the same; however, the annual registration fee would be paid up front when the license is issued rather than annually with each reapplication. For postgraduate physicians who wish to continue utilizing the current annual application for a one-year limited license, nothing in the rule would prevent them from doing so. Board staff collaborated with GME programs in Oregon in developing this proposed change and received overwhelming support for this initiative, which is expected to result in administrative efficiencies for GME programs.

CHANGES TO RULE:

847-010-0051

Limited License, Postgraduate ¶

(1) This limited license applies to interns (PG1) and residents as defined in ORS 677.010. This limited license permits the physician to practice medicine only as part of a supervised postgraduate training program of a school of medicine or hospital approved by the Oregon Medical Board.¶

(2) The Limited License, Postgraduate ~~shall~~may be granted for a period of ~~thirteen months, which allows the postgraduate the flexibility of using up to four weeks of time either before or after the start or enup to five years,~~ not to exceed the physician's postgraduate training program period. The physician must submit a limited license application and fee based ofn twelve months of postgraduate training. The majority of the number of years requested.¶

(3) ~~The Limited License, Postgraduates are requested for the training year of late June one year to early July of the~~

following year. When need may be granted for additional years of training, not to exceed, the additional four weeks (thirteenth month) of training or adjustment of training dates will be used in earlier June or later July. A smaller number of Lphysician's postgraduate training program period. The physician must submit a limited license application and fee 30 days before the end of the limited Llicense, Postgradua to be granted are requested for dates that are considered "off-cycle." T new limited license.¶

(4) If the physician separates from the training program prior to the expiration of the Llimited Llicense, Postgraduate may be renewed for each additional year of training. The physician must submit a limited license form and fee 30 days before the end of the thirteen months to be granted a new limited licensethe physician must notify the Board within 30 days of separation. Failure to do so is grounds for disciplinary action under ORS 677.190(17) and ORS 677.190(18).¶

(5) Limited license fees are not refundable and may not be credited toward other Board fees.

Statutory/Other Authority: ORS 677.265

Statutes/Other Implemented: ORS 677.132, ORS 677.172