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NOTICE OF PROPOSED RULEMAKING
INCLUDING STATEMENT OF NEED & FISCAL IMPACT

CHAPTER 847
OREGON MEDICAL BOARD

FILED

10/09/2024 3:36 PM
ARCHIVES DIVISION
SECRETARY OF STATE

FILING CAPTION: Adds office-based surgery accrediting agency criteria and ACHC as a Board-recognized accreditation agency.

LAST DAY AND TIME TO OFFER COMMENT TO AGENCY: 11/25/2024 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.

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NEED FOR THE RULE(S)

The proposed rule amendment is needed to add the Accreditation Commission for Health Care, Inc. (ACHC) as a Board-recognized accreditation agency for facilities where Level II or Level III office-based surgeries are performed. The proposed rule amendment is also needed to add criteria to review future accrediting agency requests.

DOCUMENTS RELIED UPON, AND WHERE THEY ARE AVAILABLE

Accreditation Commission for Health Care, Inc. (ACHC) Materials, on file with the Oregon Medical Board
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 is not expected to affect racial equity in this state.

FISCAL AND ECONOMIC IMPACT:

The proposed rule amendment has no fiscal and economic impact to the Oregon Medical Board. The rule amendment adds a Board-recognized accreditation agency, allowing OMB licensees more accrediting options for facilities where Level II or Level III office-based surgeries are performed. Adding review criteria provides guidance to an accrediting agency when requesting Oregon Medical Board-recognition.

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 no economic impact on state agencies, units of local government, or the public. The rule will have a minimal impact on OMB licensees performing Level II or Level III office-based surgeries and accrediting agencies. (2) The rule amendment applies to OMB licensees performing Level II or Level III office-based surgeries; licensees are not small businesses, but the office-based surgery may take place in a facility that is a small business and have indirect impact by providing more Board-recognized accreditation agencies. Accrediting agencies may also be a small business. It is unknown how many facilities and agencies are small businesses. (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 September 11, 2024, as well as the full Board at its quarterly meeting on October 3, 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 September 11, 2024, as well as the full Board at its quarterly meeting on October 3, 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: 847-017-0010

RULE SUMMARY: The proposed rule amendment adds the Accreditation Commission for Health Care, Inc. (ACHC) as a Board-recognized accreditation agency for facilities where Level II or Level III office-based surgeries are performed. Also, the proposed rule amendment adds criteria to review future accrediting agency requests.

CHANGES TO RULE:

847-017-0010

Licensee Use of Office-Based Surgical Facilities ¶

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 (AAAHC), ~~or the Joint Commission.~~ the Joint Commission, the Accreditation Commission for Health Care, Inc. (ACHC), or any other accrediting agency that demonstrates to the satisfaction of the Board that it has:¶

(a) Standards pertaining to patient care, record keeping, equipment, personnel, facilities and other related matters that are in accordance with standards of care as determined by the Board.¶

(b) Processes that assure a fair and timely review and decision on any applications for accreditation or renewals.¶

(c) Processes that assure a fair and timely review and resolution of any complaints received¶

concerning accredited facilities, and¶

(d) Resources sufficient to allow the accrediting agency to fulfill its duties in a timely manner.¶

(3) Licensees of the Board performing Level II or Level III 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.¶

(34) 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.¶

(45) 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