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NOTICE OF PROPOSED RULEMAKING
INCLUDING STATEMENT OF NEED & FISCAL IMPACT

CHAPTER 847
OREGON MEDICAL BOARD

FILED

07/15/2024 2:57 PM
ARCHIVES DIVISION
SECRETARY OF STATE

FILING CAPTION: Updating Qualifications for EMS Supervising Physicians and Agents

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.

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NEED FOR THE RULE(S)

The proposed rule amendments are needed to update the EMS supervising physician application process to align with current practice. The amendments are also needed to update EMS supervising physician and agent qualifications by removing the requirement they be a resident or actively practicing in the EMS area, but adds they hold an Active or Emeritus status MD/DO license with the Oregon Medical Board.

DOCUMENTS RELIED UPON, AND WHERE THEY ARE AVAILABLE

ORS 677, https://www.oregonlegislature.gov/bills_laws/ors/ors677.html

ORS 682, https://www.oregonlegislature.gov/bills_laws/ors/ors682.html

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

The proposed rule updates EMS supervising physician and agent qualifications to require they hold an Active or Emeritus status MD/DO license with the Oregon Medical Board, rather than be an Oregon resident or actively practicing in the EMS area. The proposed rule will not impact racial equity.

FISCAL AND ECONOMIC IMPACT:

The proposed rule amendment will have no fiscal and economic impact to the Oregon Medical Board. The amendment may expedite processing of EMS supervising physician and agent applications by the Oregon Health Authority staff providing a positive fiscal and economic impact to OHA. There will be no fiscal or economic impact to EMS supervising physician and agent applicants.

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 beyond the impact to OHA described above. (2) The rule amendment applies to individual EMS supervising physician and agent applicants; 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 EMS Advisory Committee of the Board on May 17, 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 EMS Advisory Committee of the Board on May 17, 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.

RULES PROPOSED:

847-035-0001, 847-035-0020

AMEND: 847-035-0001

RULE SUMMARY: The rule amendments update the EMS agent definition by removing the requirement they be a resident or actively practicing in the EMS area.

CHANGES TO RULE:

847-035-0001

Definitions ¶¶

(1) "Advanced Emergency Medical Technician (AEMT or Advanced EMT)" means a person who is licensed by the Authority as an Advanced Emergency Medical Technician (AEMT).¶¶

(2) "Agent" means a physician licensed under ORS 677.100 to 677.228, actively registered and in good standing with the Board, ~~a resident of or actively practicing in the area in which the emergency service is located,~~ designated by the supervising physician to provide direction of the medical services of emergency medical services providers as specified in these rules.¶¶

(3) "Authority" means the Public Health Division, Emergency Medical Services and Trauma Systems of the Oregon Health Authority.¶¶

(4) "Board" means the Oregon Medical Board for the State of Oregon.¶¶

(5) "Committee" means the EMS Advisory Committee to the Oregon Medical Board.¶¶

(6) "Emergency Care" as defined in ORS 682.025(4) means the performance of acts or procedures under emergency conditions in the observation, care and counsel of persons who are ill or injured or who have disabilities; in the administration of care or medications as prescribed by a licensed physician, insofar as any of these acts is based upon knowledge and application of the principles of biological, physical and social science as required by a completed course utilizing an approved curriculum in prehospital emergency care. However, "emergency care" does not include acts of medical diagnosis or prescription of therapeutic or corrective measures.¶¶

(7) "Emergency Medical Responder" means a person who is licensed by the Authority as an Emergency Medical Responder.¶¶

(8) "Emergency Medical Technician (EMT)" means a person who is licensed by the Authority as an EMT.¶¶

- (9) "Emergency Medical Technician-Intermediate (EMT-Intermediate)" means a person who is licensed by the Authority as an EMT-Intermediate.¶
- (10) "In Good Standing" means a person who is currently licensed, who does not have any restrictions placed on his/her license, and who is not on probation with the licensing agency for any reason.¶
- (11) "Nonemergency care" as defined in ORS 682.025(8) means the performance of acts or procedures on a patient who is not expected to die, become permanently disabled or suffer permanent harm within the next 24 hours, including but not limited to observation, care and counsel of a patient and the administration of medications prescribed by a physician licensed under ORS Chapter 677, insofar as any of these acts are based upon knowledge and application of the principles of biological, physical and social science and are performed in accordance with scope of practice rules adopted by the Oregon Medical Board in the course of providing prehospital care.¶
- (12) "Paramedic" means a person who is licensed by the Authority as a Paramedic.¶
- (13) "Scope of Practice" means the maximum level of emergency and nonemergency care that an emergency medical services provider may provide as defined in OAR 847-035-0030.¶
- (14) "Standing Orders" means the written detailed procedures for medical or trauma emergencies and nonemergency care to be performed by an emergency medical services provider issued by the supervising physician commensurate with the scope of practice and level of licensure of the emergency medical services provider.¶
- (15) "Supervising Physician" means a physician licensed under ORS 677.100 to 677.228, actively registered and in good standing with the Board, approved by the Board Authority, and who provides direction of, and is ultimately responsible for emergency and nonemergency care rendered by emergency medical services providers as specified in these rules. The supervising physician is also ultimately responsible for the agent designated by the supervising physician to provide direction of the medical services of the emergency medical services provider as specified in these rules.

Statutory/Other Authority: ORS 682.245

Statutes/Other Implemented: ORS 682.025, ORS 682.245

AMEND: 847-035-0020

RULE SUMMARY: The rule amendments update the EMS supervising physician application process to align with current practice. The rule also updates EMS supervising physician and agent qualifications by removing the requirement they be a resident or actively practicing in the EMS area, but adds they hold an Active or Emeritus status MD/DO license with the Oregon Medical Board. A license status qualification can easily be determined on OMB's License Verification webpage. Active status licensees must actively practice in Oregon, with a current Oregon practice address. It can also be granted within certain Oregon bordering regions in California, Idaho, Nevada, or Washington. Emeritus status licensees practice in Oregon for no pay or any other type of compensation; these licensees volunteer their medical skills only.

CHANGES TO RULE:

847-035-0020

Application and Qualifications for a Supervising Physician and Agent ¶¶

(1) The Board has delegated to the Authority the following:¶¶

(a) Designing and administering the supervising physician and agent application;¶¶

(b) Approving a supervising physician or agent, or determining that the supervising physician applicant does not meet the qualifications; and¶¶

(c) Investigating and disciplining any emergency medical services provider who violates their scope of practice.¶¶

(2) The Authority must provide copies of any supervising physician or agent applications and any emergency medical services provider disciplinary action reports to the Board upon request.¶¶

(3) The Authority must immediately notify the Board when questions arise regarding the qualifications or responsibilities of the supervising physician or agent of the supervising physician.¶¶

(4) A supervising physician and agent must meet the following qualifications:¶¶

(a) Be a physician licensed under ORS 677.100 to 677.228, actively registered with an Active or Emeritus license status and in good standing with the Board;¶¶

~~(b) Be in current practice;~~¶¶

~~(c) Be a resident of or actively practicing in the area in which the emergency service is located;~~¶¶

~~(d) Possess thorough knowledge of skills assigned by standing order to emergency medical services providers; and~~¶¶

~~(e) Possess thorough knowledge of laws and rules of the State of Oregon pertaining to emergency medical services providers; and~~¶¶

~~(f) Have completed or obtained one of the following no later within one calendar year after beginning the position as a supervising physician:~~¶¶

(A) Thirty-six months of experience as an EMS Medical Director;¶¶

(B) Completion of the one-day National Association of EMS Physicians (NAEMSP[®]) Medical Direction Overview Course, or an equivalent course as approved by the Authority;¶¶

(C) Completion of the three-day National Association of EMS Physicians (NAEMSP[®]) National EMS Medical Directors Course and Practicum[®], or an equivalent course as approved by the Authority;¶¶

(D) Completion of an ACGME-approved Fellowship in EMS; or¶¶

(E) Subspecialty board certification in EMS.¶¶

(5) A supervising physician must meet ongoing education standards by completing or obtaining one of the following every two calendar years:¶¶

(a) Attendance at one Oregon Health Authority EMS supervising physician's forum;¶¶

(b) Completion of an average of four hours of EMS-related continuing medical education per year; or¶¶

(c) Participation in maintenance of certification in the subspecialty of EMS.

Statutory/Other Authority: ORS 682.245

Statutes/Other Implemented: ORS 682.025, ORS 682.245