

STATEMENT OF NEED AND FISCAL IMPACT

A Notice of Proposed Rulemaking Hearing or a Notice of Proposed Rulemaking accompanies this form.

Oregon Health Authority, Public Health Division

333

Agency and Division

Administrative Rules Chapter Number

Registry of emergency health care services volunteers to include previously licensed health professionals

Rule Caption

In the Matter of: Adopting and amending Oregon Administrative Rules, chapter 333, division 003 pertaining to the registry of emergency health care services volunteers.

Statutory Authority: ORS 401.651 - 401.670, SB 563 (Oregon Laws 2011, chapter 89)

Other Authority:

Stats. Implemented: ORS 401.651 - 401.670, SB 563 (Oregon Laws 2011, chapter 89)

Need for the Rule(s):

The Oregon Health Authority, Public Health Division is proposing to permanently adopt and amend Oregon Administrative Rules relating to the registration and activation of emergency health care services volunteers in response to the passage of SB 563 during the 2011 legislative session.

In order to prepare for and respond to a state-wide emergency, the Public Health Division has the authority to register health care providers who are willing to be involved in emergency response. These two essential activities are crucial in the protection and provision of safety for all Oregonians during the most vulnerable times. The Legislature has given this authority and responsibility to the Oregon Health Authority, Public Health Division. The Division accepts this responsibility and proposes to adopt and amend its rules in order to provide a more robust registry system and a stronger standardized designation process, thus improving its emergency response.

These rules address the registration, training, background check process, activation and extended liability protection and workers' compensation protection to qualified emergency service volunteers and reorganize current rules in order to provide consistency and clarity. The rules also help to build more programmatic structure and streamline processes to strengthen the registration process of emergency health care services volunteers to include previously licensed health professionals.

Documents Relied Upon, and where they are available:

- Oregon Revised Statutes chapter 401: <http://www.leg.state.or.us/ors/401.html>
- SB 563: <http://www.leg.state.or.us/11reg/measpdf/sb0500.dir/sb0563.en.pdf>
- Minutes of the Rules Advisory Committee available by calling Health Security Preparedness and Response Program 971-673-1363.

Fiscal and Economic Impact:

Because the registry is voluntary, it is difficult to predict direct costs to the registrant. A registrant must complete required trainings and orientation that require minimal cost of time and potentially travel. For previously licensed health professionals, an additional background check will have to be performed, which may cost a volunteer additional fees. In the event of an emergency, someone may volunteer their services through the Oregon Health Authority-Public Health Division and the deployment may have some minimal costs to the state, which may involve food, transportation and lodging for these volunteers. Because volunteers act as agents of state, the state assumes some risk with the shift of liability and workers'

compensation coverage. However this risk cannot be calculated as each emergency differs and is difficult to fully predict.

In regards to each designated emergency health care facility that is directed to take action by the state, costs may be incurred by the state or by the health care facility that has been designated. Again, these costs cannot be calculated as they are based on an unknown event at some time in the future.

Statement of Cost of Compliance:

1. Impact on state agencies, units of local government and the public (ORS 183.335(2)(b)(E)): See above impacts. In addition the Oregon Health Authority-Public Health Division will continue use of .5 FTE to manage the program. This cost is \$34,000.

2. Cost of compliance effect on small business (ORS 183.336): Compliance is not being asked from small business. The rules cover individuals who are registering as licensed health care emergency workers and will not affect small business. Therefore the following a-c are not applicable.

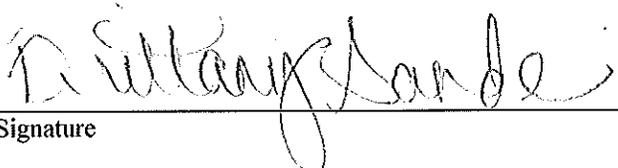
a. Estimate the number of small businesses and types of business and industries with small businesses subject to the rule: N/A

b. Projected reporting, recordkeeping and other administrative activities required for compliance, including costs of professional services: N/A

c. Equipment, supplies, labor and increased administration required for compliance: N/A

How were small businesses involved in the development of this rule? Since these rules do not affect small business, no small businesses were involved in the development of this rule.

Administrative Rule Advisory Committee consulted?: Yes. A Rule Advisory Committee was convened in October and has given input over the past three months. Committee members included representatives from Nehalem Bay MRC, Hospital Preparedness Program, Oregon Medical Association, Oregon Association of Medical Staff Services, Medical Society of Metropolitan Portland, a private physician, various licensing boards, Department of Justice and Public Health Division staff. The Committee has approved the proposed rules and need/fiscal impact document.

 Brittany Sande, Administrative Rules Coordinator 1/13/12
Signature Printed name Date

Administrative Rules Unit, Archives Division, Secretary of State, 800 Summer Street NE, Salem, Oregon 97310. ARC 925-2007