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OREGON ADMINISTRATIVE RULES
OREGON HEALTH AUTHORITY, PUBLIC HEALTH DIVISION
CHAPTER 333

HOSPITALS, GENERALLY

DIVISION 500
DEFINITIONS, APPLICATION AND RENEWAL PROCEDURES, FEES,
FACILITY CLOSURE

333-500-0032

Classification

- (1) A hospital shall be classified as one of the following:
 - (a) General Hospital;
 - (b) Low Occupancy Acute Care Hospital; or
 - (c) Mental or Psychiatric Hospital.
- (2) A hospital's classification shall be determined by the type of services it provides, as described in OAR chapter 333, divisions 520 and 525, and the staffing requirements related to the provision of those services.
 - (a) A hospital classified as a general hospital shall:
 - (A) Provide at least general medical, maternity and surgical services;
 - (B) Have an emergency department;
 - (C) Have available on-site or through contract, dietary, laboratory, and radiology services;
 - (D) Have an on-site pharmacy;
 - (E) Have a pharmacist on call 24 hours a day, 7 days a week (24/7) to staff the pharmacy; and
 - (F) Have on-site or in-house 24/7 staffing for its laboratory and radiology services.
 - (b) A low occupancy acute care hospital shall:
 - (A) Have 25 or fewer inpatient beds;
 - (B) Provide at least general medical services;
 - (C) Have an emergency department;
 - (D) Have available on-site or through contract, dietary, laboratory, and radiology services;
 - (E) Have an on-site pharmacy or a drug room; and
 - (F) Have appropriately trained laboratory, radiology, and pharmacy staff on-site or on-call 24/7.
 - (c) A mental or psychiatric hospital shall:
 - (A) Be devoted primarily to the care of people suffering from mental illness;
 - (B) Have available on-site or through contract, dietary, laboratory, and radiology services;
 - (C) Have an on-site pharmacy or a drug room;
 - (D) Have appropriately trained laboratory, radiology, and pharmacy staff on-site or on-call 24/7; and
 - (E) Comply with the requirements in OAR 333-525-0000.
- (3) The classification of each hospital shall be included on the license.
- (4) A hospital licensed by the Division may not assume a descriptive title or hold itself out under a descriptive title other than the classification title established by the Division and under which the hospital is licensed. This rule applies to the name on the hospital and any stationery, advertising, media, or other representations made by the hospital. A general hospital and a low

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occupancy acute care hospital may be described as a ~~“hospital”~~ without any modifications. A mental or psychiatric hospital shall use a descriptive title that describes or is reflective of the specialty services it offers.

(5) A hospital may not change its license classification unless it reapplies for licensure on a form prescribed by the Division and submits a fee as required by ORS 441.020. The Division shall conduct an on-site survey prior to granting a hospital a new classification to determine compliance with this rule.

(6) No person shall hold itself out to the public as an emergency department (ED), emergency room (ER), emergency-, emergent- or emergi- care center or use any derivative term in a posted name or advertising that would give the impression that emergency medical services as that is defined in OAR 333-500-0010 is provided by the person at a particular facility unless that facility is a hospital licensed under ORS 441.025 with an emergency department. Use of the words "urgent" or "immediate" shall not be considered derivative terms.

Stat. Auth.: ORS 441.025

Stats. Implemented: ORS 441.025

DIVISION 501 HOSPITAL MONITORING, SURVEYS, INVESTIGATIONS, DISCIPLINE, AND CIVIL PENALTIES

333-501-0010

Investigations

(1) As soon as practicable after receiving a complaint, taking into consideration the nature of the complaint, Division staff will begin an investigation.

(2) A hospital shall permit Division staff access to the facility during an investigation.

(3) An investigation may include but is not limited to:

(a) Interviews of the complainant, patients of the hospital, patient family members, witnesses, hospital management and staff;

(b) On-site observations of patients, staff performance, and the physical environment of the hospital; and

(c) Review of documents and records.

(4) In determining whether a violation has occurred under OAR 333-501-0020(8), the Division will consider the facility name, advertising used, and related content.

(54) Except as otherwise specified in 42 CFR § 401, Subpart B, information obtained by the Division during an investigation of a complaint or reported violation under this section is confidential and not subject to public disclosure under ORS 192.410 to 192.505. Upon the conclusion of the investigation, the Division may publicly release a report of its findings but may not include information in the report that could be used to identify the complainant or any patient at the health care facility. The Division may use any information obtained during an investigation in an administrative or judicial proceeding concerning the licensing of a health care facility, and may report information obtained during an investigation to a health professional regulatory board as defined in ORS 676.160 as that information pertains to a licensee of the board.

Stat. Auth: ORS 441.025

Stats. Implemented: ORS 441.057

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333-501-0020

Violations

In addition to non-compliance with any health care facility licensing law or condition of participation, it is a violation to:

- (1) Refuse to cooperate with an investigation or survey, including but not limited to failure to permit Division staff access to the hospital, its documents or records;
- (2) Fail to implement an approved plan of correction;
- (3) Fail to comply with all applicable laws, lawful ordinances and rules relating to safety from fire;
- (4) Refuse or fail to comply with an order issued by the Division;
- (5) Refuse or fail to pay a civil penalty; or
- (6) Fail to comply with rules governing the storage of medical records following the closure of a hospital.

(7) Establish, conduct, maintain, manage or operate a health care facility or health maintenance organization, without a license.

(8) Use the terms "emergency," "emergency department (ED)," "emergency room (ER)," "emergency-," "emergent-," or "emerg- care center" or any derivative term in a posted name or advertising that would give the impression that emergency medical services as that is defined in OAR 333-500-0010 is provided by the person at a particular facility unless that facility is a hospital licensed under ORS 441.025 with an emergency department. Use of the words "urgent" or "immediate" shall not be considered derivative terms.

Stat. Auth.: ORS 441.025

Stats. Implemented: ORS 441.~~0015~~, 441.025, & 441.030 ~~& 441.055~~

333-501-0055

Civil Penalties, Generally

- (1) This rule does not apply to civil penalties for violations of ORS 441.~~155+162~~, 441.166, 441.815, or 435.254 or rules adopted to implement these statutes.
- (2) A person licensee that violates a health care facility licensing law, including OAR 333-501-0020 (violations), is subject to the imposition of a civil penalty not to exceed \$500 per day per violation.
- (3) In addition to the penalties under section (2) of this rule, civil penalties may be imposed for violations of ORS 441.030 or 441.015(1).
- (4) In determining the amount of a civil penalty the Division shall consider whether:
 - (a) The Division made repeated attempts to obtain compliance;
 - (b) The licensee has a history of noncompliance with health care facility licensing laws;
 - (c) The violation poses a serious risk to the public's health;
 - (d) The licensee gained financially from the noncompliance; and
 - (e) There are mitigating factors, such as a licensee's cooperation with an investigation or actions to come into compliance.
- (5) The Division shall document its consideration of the factors in section (4) of this rule.
- (6) Each day a violation continues is an additional violation.
- (7) A civil penalty imposed under this rule shall comply with ORS 183.745.

Stat. Auth.: ORS 441.025

Stats. Implemented: ORS 441.990