



PERMANENT ADMINISTRATIVE ORDER

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CHAPTER 332

OREGON HEALTH AUTHORITY

HEALTH LICENSING OFFICE, BOARD OF DIRECT ENTRY MIDWIFERY

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FILING CAPTION: Require cultural competency continuing education and streamline renewal requirements.

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RULES:

332-020-0000, 332-020-0010, 332-020-0015

AMEND: 332-020-0000

RULE TITLE: License Issuance and Renewal

NOTICE FILED DATE: 01/28/2021

RULE SUMMARY: Requirements for license issuance and renewal.

RULE TEXT:

(1) LICENSING: An LDM is subject to the provisions of OAR Chapter 331, Division 30 regarding the issuance and renewal of a license, and provisions regarding authorization to practice, identification, and requirements for issuance of a duplicate license.

(2) LICENSE RENEWAL: To avoid delinquency penalties, license renewal must be made prior to the license entering inactive status. To renew, an LDM must:

(a) Submit a renewal application form;

(b) Submit payment of renewal fee;

(c) Attest to having obtained required continuing education under OAR 332-020-0010, on a form prescribed by the Office;

(d) Attest to being currently certified in cardiopulmonary resuscitation for infants and adults pursuant to ORS 687.425;

(e) Attest to being currently certified in neonatal resuscitation; and

(f) Attest to having participated in peer review pursuant to 332-025-0015.

(3) INACTIVE LICENSE RENEWAL: A license may be inactive for up to three years. When renewing after entering inactive status the LDM must:

(a) Submit a renewal application form;

(b) Submit payment of renewal and delinquency fees;

(c) Attest to having obtained required continuing education under OAR 332-020-0010, on a form prescribed by the Office, whether license is current or inactive;

(d) Attest to being currently certified in cardiopulmonary resuscitation for infants and adults pursuant to ORS 687.425;

(e) Attest to being currently certified in neonatal resuscitation; and

(f) Attest to having participated in peer review pursuant to 332-025-0015.

(4) EXPIRED LICENSE: A license that has been inactive for more than three years is expired and the licensee must reapply and meet the requirements listed in OAR 332-015-0030.

STATUTORY/OTHER AUTHORITY: ORS 676.568, ORS 676.572, ORS 676.576, ORS 87.425, ORS 687.493

STATUTES/OTHER IMPLEMENTED: ORS 676.572, ORS 87.425

AMEND: 332-020-0010

RULE TITLE: Continuing Education

NOTICE FILED DATE: 01/28/2021

RULE SUMMARY: Cultural competency continuing education requirements.

RULE TEXT:

(1) Standard Continuing Education Renewal Requirements: To maintain licensure, an LDM must complete at least 35 continuing education hours every two years from the date of initial licensure, and every two years thereafter.

Continuing education under this rule must be related to the services listed in ORS 687.405, cultural competency, patient charting, ethics, communication, or professional development.

(2) In addition to the requirements listed in section (1) of this rule five of the 35 hours listed in subsection (1) of this rule must be related to legend drugs and devices pursuant to OAR Chapter 332, Division 26, which must include at least one (1) of the following:

(a) Pharmacology covering drugs listed in ORS 687.493, OAR 332-026-0010 and 332-026-0020.

(b) Administration of medications through injection.

(c) Advanced treatment of shock.

(d) Intravenous therapy.

(e) Suturing.

(3) Initial Legend Drugs and Devices Continuing Education: An LDM must complete 40 hours of instruction in an approved curriculum prior to purchasing or administering legend drugs and devices listed in OAR Chapter 332, Division 26 of these rules or by the date of first renewal following initial licensing as an LDM. The initial continuing education is comprised of theory, hands-on practice, and skills testing for competency which must include:

(a) 10 hours in pharmacology, covering drugs listed in ORS 687.493, OAR Chapter 332, Division 26 including;

(b) Four hours of administration of medications through injection;

(c) Four hours in advanced treatment of shock;

(d) 12 hours in intravenous therapy; and

(e) 10 hours in suturing.

(4) In addition to the requirements listed in subsection (1) of this rule and in accordance with ORS 687.425, an LDM who has attended fewer than five births in the previous renewal year must obtain an additional 10 hours of continuing education separate from all other continuing education requirements. The additional 10 hours of continuing education must be obtained during the next license renewal cycle. The additional 10 hours of continuing education must be related to subjects listed in subsection (1) of this rule. An example pertaining to the timing of when the additional 10 hours of continuing education must be obtained is: An LDM who held a license from April 2018 to April 2019 who attended fewer than five births during that time period must obtain an additional 10 continuing education hours between April 2019 and April 2020.

(5) Continuing education may be obtained through online courses, attendance at lectures, sessions, courses, workshops, symposiums seminars or other presentations offered by:

(a) Institutions or programs accredited by a federally recognized accrediting body;

(b) Institutions or programs approved by the Oregon Higher Education Coordinating Commission;

(c) An organization offering continuing medical education opportunities, including legend drugs and devices training, including but not limited to, Accreditation Council for Continuing Medical Education, MEAC accredited or pre-accredited schools and the Oregon Midwifery Council; or

(d) Any Board-approved professional organization, or association, hospital, or health care clinic offering continuing education related to the subject matter listed in subsection (1) or (7) of this rule.

(6) Continuing education relating to the subject matter listed in subsection (1) of this rule may also be obtained through research, authorship or teaching, provided that no more than half the required hours be in research, authorship or teaching.

(7) Up to 10 hours of continuing education relating to subject matter listed in subsection (1) of this rule may be completed through self-study that may include clinical service learning. Documentation substantiating the completion of continuing education through self-study must be submitted on forms provided by the Office.

(8) Notwithstanding any other continuing education requirements and of the 35 continuing education hours listed under subsection (1) of this rule, in order to be eligible to renew a license, an authorization holder must obtain one hour of continuing education in cultural competency (CCCE) every other time the authorization is subject to renewal. The requirement of this paragraph is effective on and after July 1, 2021. The CCCE must be either:

(a) Approved by the Oregon Health Authority; or

(b) Meet the skills requirements established by the Oregon Health Authority by rule; or

(c) One of the educational institutions or organizations listed in subsection (4) of this rule which are in compliance with one of the requirements listed in subsection (8) of this rule.

(9) The Board encourages completion of required CCCE from the approved list promulgated by the Oregon Health Authority, available on the Board's website. The Board shall also accept CCCE that is not obtained from the Oregon Health Authority's approved list, to the extent the Board determines the CCCE meets the skills requirements established by the Oregon Health authority in rules that are effective at the time the CCCE is obtained.

(10) Section (8) does not apply to authorization holders who are:

(a) Retired and not practicing the profession in any state;

(b) Not practicing the profession in this state; or

(c) Residing in this state, but not practicing in the profession in any state.

(11) Obtaining and maintaining proof of participation in continuing education is the responsibility of the licensee. The licensee must ensure that adequate proof of attainment of required continuing education is available for audit or investigation or when otherwise requested by the Office. Adequate proof of participation is listed under OAR 332-020-0015(3).

(12) Hours of continuing education that are obtained in excess of the minimum requirements listed in this rule will not be carried forward.

(13) Documentation of participation in continuing education requirements must be maintained for five years following renewal and must be available to the Office upon request.

(14) For the purpose of this rule, continuing education must include periods of continuous instruction and education. One hour of continuing education is one hour of actual class time, not to include breaks, rest periods, travel, registration or meals.

(15) A copy of Board-approved curriculum objectives January 2021 Legend Drugs and Devices Program is available at the Health Licensing Office or on the Office website. Payment of administrative fees may be required. Refer to OAR 331-010-0030 for applicable public record request fees.

(16) Requirements listed under OAR 332-020-0000 cannot be used towards the continuing education requirements listed in this rule.

STATUTORY/OTHER AUTHORITY: ORS 687.425, ORS 676.615, ORS 676.850

STATUTES/OTHER IMPLEMENTED: ORS 687.425, ORS 676.850

AMEND: 332-020-0015

RULE TITLE: Continuing Education: Audit and Required Documentation

NOTICE FILED DATE: 01/28/2021

RULE SUMMARY: Continuing education audit requirements.

RULE TEXT:

(1) The Office will audit a select percentage of licensees determined by the Board to verify compliance with continuing education requirements.

(2) An LDM notified of selection for audit of continuing education attestation must submit to the Office, within 30 calendar days from the date of notification, satisfactory evidence of participation in required continuing education in accordance with OAR 332-020-0010.

(3) If selected for audit, an LDM must provide documentation of the required continuing education. Documentation must include:

(a) Certificate of completion, official transcript, statement or affidavit from the sponsor attesting to attendance or other documentation approved by the Office;

(b) Name of sponsoring institution, association, or organization;

(c) Title of presentation and description of content;

(d) Name of instructor or presenter;

(e) Date of attendance and duration in hours; and

(f) Course agenda.

(4) If documentation of continuing education is incomplete, the licensee has 30 calendar days from the date of the notice sent to the licensee to submit further documentation to substantiate having completed the required continuing education.

(5) An LDM notified of having been selected for an audit must show proof of having:

(a) Participated in peer review pursuant to OAR 332-025-0015;

(b) The required certification in cardiopulmonary resuscitation for infants and adults; and

(c) The required certification in neonatal resuscitation.

(6) Documentation listed in subsection (5) of this rule must be kept and maintained for five years following renewal and must be available to the Office upon request.

STATUTORY/OTHER AUTHORITY: ORS 676.568, ORS 676.615, ORS 687.425

STATUTES/OTHER IMPLEMENTED: ORS 687.425