



# Oregon

Tina Kotek, Governor

## Medical Board

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## Information related to House Bill 4071

### House Committee on Behavioral Health and Health Care February 13, 2024

Dear Chair Nosse,

Thank you for requesting information from the Oregon Medical Board (OMB) regarding House Bill 4017 relating to health care licensing. HB 4017 as written raises significant concerns for the OMB as outlined below.

Patient Safety. The OMB's mission is to protect Oregonians from unqualified or incompetent medical providers. The public trusts the State to have verified that their providers are safe, clinically competent, and ethical, but HB 4071 requires the OMB to skip these protective measures and does not allow a full evaluation prior to allowing an individual to practice medicine and surgery in Oregon. As a result, the opportunity for predatory providers to come in undetected drastically increases.

OMB's Scope of Authority. The OMB does not have authority to regulate or discipline providers practicing under HB 4071. The OMB's authority is limited to applicants and licensees. Although we could deny the temporary provider's full application, *we would not have the ability to end their one-year temporary authorization or otherwise restrict their temporary practice* even if they have violated the Medical Practice Act. To allow OMB to regulate temporarily authorized providers, a larger legislative change is required to give the OMB more expansive authority in ORS chapters 676 and 677.

Lessons Learned. During the COVID pandemic – a time of unprecedented workforce demands – the OMB pioneered a system for issuing temporary authorizations within 24 hours of application. However, this OMB-initiated process had critical safeguards, including a limitation on the purpose (e.g. staffing EDs and ICUs, providing back-up specialty care for critical access hospitals, etc.) and a requirement that the health care facility provide a statement of need. When the facility ended the provider's contract or employment, their temporary authorization to practice in Oregon also terminated. Thanks to these safeguards, the OMB was able to quickly identify providers who proved to not be competent to practice and to remove them from Oregon's healthcare workforce to protect the public. HB 4071 does not include similar safeguards.

Potential Fiscal Impact. HB 4071 does not include fees for temporary authorizations. However, it is likely that the OMB would incur costs related to IT system changes, development of new procedures, rules, and public meetings, and we anticipate a palpable increase in the number of investigations. As an Other Funds agency, these costs would be borne by our current licensees.

*The mission of the Oregon Medical Board is to protect the health, safety, and wellbeing of Oregonians by regulating the practice of medicine in a manner that promotes access to quality care.*

Current Process. The OMB continuously works to streamline procedures and leverage technology to make the licensing process faster and less burdensome. In 2023, we reduced the average number of days it takes an applicant to complete their application from 81 days to 67 days. Importantly, these numbers are heavily skewed by applicants who choose not to complete their application, who delay completion while exploring job opportunities, or who have failed to disclose accurate information, among other reasons. Further, if a healthcare facility has an urgent need or if an applicant indicates a rural practice location, those applications are prioritized and ushered through the process even faster. Examples are available upon request. Once an application is complete, the OMB issues licenses *within one business day*.

Additionally, the OMB already has an option for expedited endorsement. This program came from a bill that passed in 2009 and subsequent OMB rules. The program expedites the licensing process by allowing applicants who have practiced in other states to forego primary source verification of core credentials. Board certified eligible applicants would not be required to provide a Dean's letter from their medical school, or residency evaluation.

Applicant Assistance. Applicants may log into their online account 24 hours a day to see the status of their application, upload documents, and provide follow-up information as needed. The OMB's dedicated licensing call center answers incoming phone calls and responds to emails five days a week. Customer service is at the heart of our licensing department, and we receive frequent feedback that OMB's processes and staff are far superior to other states, which we would be glad to share with you.

Thank you for the opportunity to provide the above information. The OMB is engaged in multiple efforts to increase the healthcare workforce and welcomes additional discussion on this topic.

Sincerely,



Nicole Krishnaswami  
Executive Director