

CHAPTER 409
OREGON HEALTH AUTHORITY,
OFFICE FOR OREGON HEALTH POLICY AND RESEARCH

DIVISION 30

ADMINISTRATIVE REQUIREMENTS FOR HEALTH PROFESSION STUDENT CLINICAL TRAINING

409-030-0100

Purpose

These rules (OAR 409-030-0100 to 409-030-0250) establish standards for administrative requirements for health professional student placements in clinical training settings within the state of Oregon. The purpose of these rules is to mitigate inconsistencies that currently exist across clinical placements; to promote efficient solutions to reduce costs for students, health profession programs and clinical placement sites; and to ensure patient, clinical staff and student safety. These rules pertain to credentials that students must obtain and requirements that clinical placement sites may set. These rules are effective July 1, 2014.

Stat. Auth.: ORS 413.435

Stats. Implemented: ORS 413.435

409-030-0110

Definitions

The following definitions apply to OAR 409-030-0100 to 409-030-0250:

- (1) “Administrative requirements” means those requirements that must be documented and verified before health professions program students may begin clinical placements, and includes criminal background checks, drug testing for substance abuse, health screenings, immunizations, and basic training standards.
- (2) “Advanced practice nurse” means nursing practice areas inclusive of nurse practitioners, nurse midwives, clinical nurse specialists, and nurse anesthetists.
- (3) “Authority” means the Oregon Health Authority.
- (4) “CDC” means the federal Centers for Disease Control and Prevention.
- (5) “Clinical placement” means any clinical rotations, internships, residencies, fellowships, and any other clinical training experience that a student undergoes as part of their health professions program.
- (6) “Clinical setting” or “clinical site” means the clinical facility at which a student undergoes training during a clinical placement.
- (7) “Direct contact with patients” means clinical or therapeutic interaction with a patient, in a one-on-one or group setting at the clinical placement setting or an associated location, including but not limited to meetings, examinations, or procedures.
- (8) “Evidence of Immunization” means a statement signed and dated by a licensed practitioner who has within the scope of the practitioner’s license the authority to administer immunizations or a representative of the local health department certifying the immunizations the student has received.

- (9) "For cause" means that the behavior of a student or instructor gives the health profession program or clinical site reason to believe that the individual is not complying with established standards set forth in these rules.
- (10) "Health profession program" means a post-secondary course of study that concentrates on a health profession discipline as described in OAR 409-030-0130 and offers students instruction and training for becoming a health care professional.
- (11) "Immunization" means receipt of any vaccine licensed by the United States Food and Drug Administration or the foreign equivalent for the prevention of a disease; proof of immunity to the disease via titer; or confirmed history of the disease.
- (12) "Individually identifiable health information" has the meaning given that term in ORS 433.443.
- (13) "Instructor" means a teacher, trainer, or advisor on the faculty of the educational institution who is overseeing a student onsite during clinical training on behalf of the training program which the student attends. The degree of involvement of instructors in a student's clinical training experience may vary between programs, and may include but is not limited to observation, demonstration of technique, modeling of behavior, and regular feedback.
- (14) "Licensed independent practitioner" means an individual permitted by Oregon law to independently provide care and services, without direction or supervision, within the scope of the individual's license.
- (15) "Matriculated" means to be enrolled or registered for classes, as a student.
- (16) "Patient" means an individual who is seeking care, guidance or treatment options at a clinical location.
- (17) "School" or "educational institution" means the post-secondary college, university or other training program in which the student is matriculated for a health professions program.
- (18) "Student" means an individual enrolled as a student or registered for a post-secondary school or training programs required minimum credit hours in an accredited health professions program of study.
- (19) "Supervisor" means a staff member at a clinical facility who is delegated to provide supervision, to monitor student performance and to provide feedback to the student and the clinical educator and other educational training program faculty.

Stat. Auth.: ORS 413.435

Stats. Implemented: ORS 413.435

409-030-0120
General applicability

- (1) These rules apply to all students who:
 - (a) Plan to undergo clinical training at a setting listed in OAR 409-030-0140 within the state of Oregon; regardless of the location of the health profession program in which the student is matriculated;
 - (b) Concentrate on a health professional discipline listed in OAR 409-030-0130;
 - (c) Have direct contact with patients at any point during the clinical placement; and

- (d) Are matriculated into and currently enrolled in a health professional training program as described in OAR 409-030-0130.
- (2) Clinical sites may require instructors from the health profession program to satisfy the same requirements for immunizations, screenings, trainings, and other requirements set forth in these rules, if the instructor accompanies students onsite during clinical training and engages in direct contact with patients on behalf of or in support of the student.
- (3) Except as provided in OAR 409-030-0150, covered clinical sites may not create additional or more stringent administrative requirements within the categories addressed by these rules for students and instructors covered by these rules.

Stat. Auth.: ORS 413.435

Stats. Implemented: ORS 413.435

409-030-0130

Health Professional Disciplines

- (1) Except as provided in OAR 409-030-0150, these rules apply to students of the following health professions:
 - (a) Audiologists, as defined in ORS 681.205;
 - (b) Clinical laboratory science specialists, including medical technologists, clinical lab scientists, medical lab technologists, and clinical laboratory assistants, as defined in ORS 438.010;
 - (c) Dental hygienists, as defined in ORS 679.010;
 - (d) Dentists and dental assistants, as defined in ORS 679.010;
 - (e) Denturists, as defined in ORS 680.500;
 - (f) Dieticians, as defined in ORS 691.405;
 - (g) Emergency medical services providers, as defined in ORS 682.025;
 - (h) Hemodialysis technicians, as defined in ORS 688.635;
 - (i) Marriage and family therapists, as defined in ORS 675.705;
 - (j) Medical assistants (trained medical office and ancillary healthcare personnel who perform clinical tasks such as taking vital signs, preparing patients for examinations, or recording medical histories of patients, administrative duties, and other duties);
 - (k) Medical imaging practitioners and limited x-ray machine operators, as defined in ORS 688.405;
 - (l) Nurses, including registered nurses, practical nurses, advanced practice nurses, nurse practitioners, nursing assistants, medication aides and any other assistive nursing personnel licensed or certified under ORS 678.010 to 678.445;
 - (m) Occupational therapists and occupational therapy assistants, as defined in ORS 675.210;
 - (n) Optometrists, as described in ORS 683.010 to 683.310.

- (o) Pharmacists and pharmacy technicians, as defined in ORS 689.005;
- (p) Physical therapists, physical therapist aides, and physical therapist assistants, as defined in ORS 688.010;
- (q) Physician assistants, as defined in ORS 677.495;
- (r) Physicians (Medical/Osteopathic and Naturopathic), as defined in ORS 677.010 and 685.010;
- (s) Podiatrists, as defined in ORS 677.805;
- (t) Polysomnographic technologists, as defined in ORS 688.800;
- (u) Professional counselors, as defined in ORS 675.705;
- (v) Psychologists, as defined in ORS 675.010;
- (w) Regulated social workers, as defined in ORS 675.510;
- (x) Respiratory care practitioners, as defined in ORS 688.800;
- (y) Speech-language pathologists and speech-language pathologist assistants, as defined in ORS 681.205; and
- (z) Surgical technologists (allied health professionals under the supervision of a surgeon who are trained in advanced sterile techniques and theories and facilitate safety throughout the operative procedure).

(2) These rules do not apply to students engaged in a field of study that is not explicitly listed in section (1). Academic institutions and clinical placement settings should individually negotiate the terms of placement for students not covered by these rules. Clinical facilities may choose to require that such students follow the standards set forth in these rules but are not required to do so.

Stat. Auth.: ORS 413.435
Stats. Implemented: ORS 413.435

409-030-0140
Clinical Settings

(1) Except as provided in section OAR 409-030-0140 (2) and 409-030-0150, these rules apply to the following clinical facilities hosting health professions students in the disciplines described in OAR 409-030-0130:

- (a) Ambulatory care settings, including but not limited to clinics, private practices, Federally Qualified Health Centers, and primary care homes;
- (b) Ambulatory surgical centers, as defined in ORS 442.015;
- (c) Hospice, as defined in ORS 443.860;
- (d) Hospitals and emergency departments, as defined in ORS 442.015;
- (e) Long term care facilities, as defined in ORS 442.015;

- (f) Residential care facilities, as defined in ORS 443.400; and
- (g) Skilled nursing facilities, as defined in ORS 442.015.

(2) In addition to the exceptions provided in OAR 409-030-0150, these rules do not apply to the following clinical facilities hosting health professions students in the disciplines described in OAR 409-030-0130 for a clinical placement:

- (a) Chiropractic, acupuncture, and massage therapy clinics or offices that are independent and not associated with a clinical placement setting listed in OAR 409-030-0140 (1).
- (b) Federal facilities, including Department of Veterans' Affairs facilities, Indian Health Service facilities, and federal prisons. Standards for clinical placement in federal facilities are set at the federal level.
- (c) Health management or administration departments.
- (d) Public elementary and secondary schools (grades K-12).
- (e) Radiosurgery clinical placements. The Nuclear Regulatory Commission sets requirements for students involved in radiosurgery.
- (f) State prisons and correctional facilities.

(3) Completion of the administrative requirements in these rules only ensures administrative clearance for students. Clinical placement settings shall make all final clearance and placement decisions.

Stat. Auth.: ORS 413.435

Stats. Implemented: ORS 413.435

409-030-0150 **Exceptions**

(1) In addition to the exceptions listed in OAR 409-030-0130 (2) and 409-030-0140 (2), the standards in these rules does not apply to:

- (a) Students who will not have direct patient contact as part of their clinical placement.
- (b) Students who are undergoing training overseen by their employer, academic institution, or training program at facilities that are located on the premises of or operated solely by the employer, academic institution or training program, or are otherwise considered "in-house" clinics.

(2) Clinical placement sites that have fewer or less stringent administrative requirements for newly hired non-student employees may request exemption from specific provisions of OAR 409-030-0170 through 409-030-0240 for students performing clinical placements at that site. For example, a clinical placement site that does not require regular employees to take a drug screen prior to being hired may request exemption from the section of these rules that require students to take a drug screen prior to being placed at that clinical site. However:

- (a) All exemptions must be documented with the Authority prior to implementation of the exemption; and
- (b) Clinical placement sites may only request exemptions from the specific category or section of these rules in which their requirements for newly-hired non student employees

are less (such as immunizations, screenings, trainings or other listed in Table 1). Clinical placement sites with an exemption to a specific category of the administrative requirements must still abide by all other sections of these rules.

- (3) Exemption requests may be submitted by:
 - (a) Clinical placement sites; or
 - (b) Educational institutions, on behalf of and in consultation with the clinical placement sites with which they contract and place students for clinical training.
- (4) A request for exemption must include:
 - (a) The name and mailing address of the clinical placement setting.
 - (b) The supervisor or manager of student clinical placements on site, and email address and a phone number.
 - (c) A request for exemption from a specific section of the rules, that includes a description of the clinical placement setting's requirements for newly hired non-student employees, and how they differ from the requirements set forth in these rules.
- (5) Clinical placement settings may temporarily institute a site-specific variation or change to a requirement listed in OAR 409-030-0170 through 409-030-0240 in extenuating circumstances including but not limited to a public health emergency situation, such as an outbreak that requires new or different vaccination or a safety breach that requires immediate action, provided that the clinical placement setting clearly notifies all affected parties and the Authority in advance of the changes.
- (6) Once instituted, a change or variation of these rule requirements may remain in place at the individual clinical training placement setting until the next annual review of the rules, at which point a decision will be made that:
 - (a) The change or variation is one mandated by a federal or state regulatory agency and will therefore be incorporated into these rules for all affected clinical placement settings and health profession students; or
 - (b) The change or variation would improve student and patient safety significantly and should be applied widely to clinical placement settings and health profession students in the state of Oregon, through an amendment to these rules; or
 - (c) The change or variation is not appropriate for widespread application to clinical placement settings and health professions students in the state of Oregon. In this case, the change or variation may not be re-instated by the clinical placement site after the annual review of the rules.

Stat. Auth.: ORS 413.435
Stats. Implemented: ORS 413.435

409-030-0160
Regular Review of Clinical Placement Standards

- (1) The Authority shall convene an advisory group that may include representatives of affected students, health profession programs, clinical settings, and healthcare boards that regulate health profession programs. The Authority and the advisory group shall review the standards set forth in sections OAR 409-030-0170 through 409-030-0240 of these rules annually. Affected parties may bring proposed changes to the annual review process.

- (2) Standards for immunizations are based on the CDC Advisory Committee on Immunization Practices guidance and other state and federal regulatory bodies overseeing immunization and vaccinations. Rules shall be updated as needed to remain in compliance with suggested vaccination schedules and other recommendations from these regulatory bodies related to the applicable immunizations and screenings listed in Table 1.
- (3) State and nationwide criminal background check standards are based on rules determined by authorized state and federal regulatory bodies, including but not limited to the Joint Commission.

Stat. Auth.: ORS 413.435
Stats. Implemented: ORS 413.435

409-030-0170
Administrative Requirements for Clinical Placement

- (1) To qualify for a clinical placement at a covered site within the state of Oregon, covered students must satisfy requirements for each of the following categories prior to the start of the intended placement period. See Table 1 for an expanded list relating to:
 - (a) Immunizations; and
 - (b) Screenings;
 - (c) Trainings; and
 - (d) Evidence of coverage for professional liability and general liability
- (2) Health profession programs and clinical placement settings are not required to pay for or otherwise administer any screenings or tests listed in these rules.
- (3) Health profession programs must verify and retain evidence demonstrating that a student has completed all requirements listed in these rules prior to starting a placement for the student at a clinical setting. The health profession program shall provide evidence of completed requirements to clinical sites, as requested.

Stat. Auth.: ORS 413.435
Stats. Implemented: ORS 413.435

409-030-0180
Immunization Standards

- (1) Table 1 lists the diseases and the corresponding required immunizations that students must have in order to receive a clinical placement or the immunizations that students are recommended to have but that are not required in order to receive a clinical placement.
- (2) Evidence of immunization may be demonstrated through the following:
 - (a) A document appropriately signed or officially stamped and dated by a qualified medical professional or an authorized representative of the local health department, which must include the following:
 - (A) The month and year of each dose of each vaccine received; or
 - (B) Documentation of proof of immunity to the disease via titer; or
 - (C) The month and year the diagnosis of the disease was confirmed.

(b) An official record from the Oregon ALERT Immunization Information System.

(3) Individual student exemption to specific immunization requests are possible and must be maintained by health profession programs as part of the overall record of the student. Documentation for exemption requires one or more of the following:

- (a) A written statement of exemption signed by a licensed independent practitioner; or
- (b) A written statement of religious exemption, signed by the student.

Stat. Auth.: ORS 413.435
Stats. Implemented: ORS 413.435

409-040-0190
Screening Standards

Table 1 provides detailed information related to required screenings for students' clinical placements. Required screenings consist of:

- (1) Tuberculosis (OAR 409-030-0200);
- (2) Substance abuse or misuse (OAR 409-030-0210); and
- (3) State and nationwide criminal background check (OAR 409-030-0220).

Stat. Auth.: ORS 413.435
Stats. Implemented: ORS 413.435

409-030-0200
Tuberculosis Screening

- (1) A student must obtain and provide documentation for TB screening consistent with the requirements for immunization in OAR 409-030-0180.
- (2) TB screening must be conducted in a manner consistent with the CDC guidelines available at <http://www.cdc.gov/tb/topic/testing/> or other state or federal health authority guidelines prior to the start date of the initial clinical placement.

Stat. Auth.: ORS 413.435
Stats. Implemented: ORS 413.435

409-030-0210
Drug Testing for Substance Abuse and Misuse

- (1) A student must undergo a drug test prior to the start date of initial placement at a covered clinical setting. Subsequent drug screenings may not be required except for cause. These rules do not aim to define an "acceptable" result to a drug screen. These rules ensure completion of the administrative requirements necessary for administrative clearance for students. Clinical placement settings shall make all final clearance and placement decisions.
- (2) At a minimum, a covered student seeking a clinical placement at a covered clinical site must undergo a standard 10-panel drug test and must sign any necessary authorizations. Screens for the following eight (8) substances must be included in the 10-panel drug screen:
 - (a) Amphetamines (including methamphetamines)

- (b) Barbiturates
- (c) Benzodiazepines
- (d) Cocaine
- (e) Marijuana
- (f) Methadone
- (g) Opiates, and
- (h) Phencyclidine.

(3) All drug testing must be conducted by a laboratory licensed and operated in accordance with ORS 438.010 and OAR 333-024-0305 through 333-024-0350. The health profession program must verify that screening is performed by a reputable vendor.

Stat. Auth.: ORS 413.435

Stats. Implemented: ORS 413.435

409-030-0220

State and Nationwide Criminal Background Checks

- (1) Students must undergo a state and nationwide criminal background check in advance of the start of their initial clinical placements.
- (2) These rules do not aim to establish or define the composition of an “acceptable” result to a state and nationwide criminal background check. These rules ensure completion of the administrative requirements necessary for administrative clearance for students. Clinical placement settings shall make all final clearance and placement.
- (3) State and nationwide criminal background checks must be:
 - (a) Performed by a vendor that is accredited by the National Association of Professional Background Screeners (NAPBS); or
 - (b) Performed by a vendor that meets the following criteria:
 - (A) Has been in the business of criminal background checks for at least two years;
 - (B) Has a current business license and private investigator license, if required in the company’s home state; and
 - (C) Maintains an errors and omissions insurance policy in an amount not less than \$1 million; or
 - (c) Conducted through an Oregon health professional licensing board, if required for students by such Board. (For example students of pharmacy are required by the Oregon Board of Pharmacy to obtain an intern license prior to engaging in clinical training and must undergo a national fingerprint-based background check.)
- (4) A criminal records check must include the following:
 - (a) Name and address history trace;

- (b) Verification that the students' records have been correctly identified, using date of birth and a Social Security number trace;
- (c) A local criminal records check, including city and county records for the student's places of residence for the last seven years;
- (d) A nationwide multijurisdictional criminal database search, including state and federal records;
- (e) A nationwide sex offender registry search;
- (f) A query with the Office of the Inspector General's List of Excluded Individuals/Entities (LEIE);
- (g) The name and contact information of the vendor who completed the records check;
- (h) Arrest, warrant and conviction data, including but not limited to:
 - (A) Charges;
 - (B) Jurisdictions; and
 - (C) Date.
- (i) Sources for data included in the report.

Stat. Auth.: ORS 413.435
Stats. Implemented: ORS 413.435

409-030-0230
Training Standards

- (1) Students must complete all listed trainings in advance of the start date of the students' initial clinical placement. See Table 1 for additional descriptions and recommended training resources.
- (2) Students must complete the following steps for trainings that require certification:
 - (a) Complete training program in cardiopulmonary resuscitation (CPR), also known as Basic Life Support (BLS), at the healthcare provider level. Recommended trainings for CPR/BLS should comply with the standards set by the American Heart Association.
 - (b) Provide verified documentation as to the successful completion of CPR/BLS training, and
 - (c) Maintain current certification for CPR/BLS during the clinical placement.
- (3) Health profession programs must provide documentation or a signed statement that the student has received prior training, taken educational courses, or is otherwise familiar with the following:
 - (a) The Health Insurance Portability and Accountability Act (HIPAA)
 - (b) Bloodborne Pathogen training that is compliant with the federal Occupational Safety and Health Administration (OSHA) requirements.

- (c) Federal OSHA recommended safety guidelines, including:
 - (A) Fire and electrical safety;
 - (B) Personal protective equipment;
 - (C) Hazard communications; and
 - (D) Infection prevention practices.
- (4) Health profession programs shall provide documentation of completed trainings, as requested by clinical sites.
- (5) Clinical sites may require students to complete additional site-specific trainings or on-boarding procedures, including:
 - (a) Site-specific privacy and confidentiality trainings.
 - (b) Site-specific orientation trainings and on-boarding procedures, such as facility-specific protocols for safety, security, documentation systems, and standards of behavior or signing a non-disclosure statement.

Stat. Auth.: ORS 413.435

Stats. Implemented: ORS 413.435

409-030-0240

Insurance and Liability Coverage

- (1) Prior to clinical training, students or health profession programs must demonstrate that students have one of the following types of coverage and that the coverage will remain in place for the entire duration of each placement:
 - (a) Professional liability insurance coverage, and
 - (b) General liability insurance coverage; or
 - (c) Coverage under a combined policy for professional and general liability insurance.
- (2) A health profession program may offer coverage for students through a self-insurance program or the student may obtain coverage individually.
- (3) Health profession programs shall maintain records related to insurance and provide them to clinical sites, as requested.
- (4) Prior to clinical placement, it is recommended but not required that students obtain some form of health insurance coverage, such as personal major medical insurance or Workers' Compensation insurance provided by the health profession program, and that the coverage remain in place for the entire duration of each placement.

Stat. Auth.: ORS 413.435

Stats. Implemented: ORS 413.435

409-030-0250

Information Sharing or Use of Data

- (1) Only clinical sites that have a contractual agreement with a student's training program may access the documentation and evidence related to completion of the administrative requirements.
- (2) Students must provide written, signed permission that explicitly allows the sharing of required documents and necessary evidence with clinical sites, including but not limited to any release required under HIPAA or other applicable laws in order to disseminate the student's personal health information under these rules.
- (3) Dissemination of information received under these rules may only be made to individuals with a demonstrated and legitimate need to know the information.

Stat. Auth.: ORS 413.435

Stats. Implemented: ORS 413.435

Table 1. Standards that health professions students must meet before clinical placements

Standard	Timing	Notes
Immunizations (documented receipt of vaccine or documented immunity via titer or valid history of disease, or via a record from the Oregon ALERT Immunization Information System)		
Hepatitis B (Hep B)		
Measles, mumps and rubella (MMR)		
Tetanus, diphtheria, pertussis (Tdap)		
Varicella		
<i>Recommended but not required -- Polio</i>	Per CDC guidelines ¹ – follow child and adolescent schedules for students 0-18 years of age; follow health care professional schedule for students greater than or equal to 18 years of age. ²	CDC recommends for healthcare workers treating patients who could have polio or have close contact with a person who could be infected with poliovirus. ³
<i>Recommended but not required -- Influenza (seasonal flu)</i>	Follow state law requirements ⁴ /recommend mask or other precaution if not immunized.	
Screenings		
Tuberculosis (TB)	Prior to initial placement; after that only in case of known exposure.	Facility choice of skin test or IGRA Blood test in accordance with CDC guidelines. ⁵
Substance Abuse - 10-panel drug screen	Prior to initial placement; subsequent screens only for cause	School/training program is responsible for verifying that screening is performed by a reputable vendor
Criminal Background Check (including Social Security Number trace, state/national criminal background history, sex offender registry check, and OIG LEIE check)	Prior to initial placement	Elements of check should be standardized and check should be performed by a reputable vendor (per OAR 409-030-0220)

¹The full list of CDC guidelines can be found at: <http://www.cdc.gov/vaccines/schedules/index.html>

² The CDC guidelines for recommended vaccinations for healthcare professionals can be found at: <http://www.cdc.gov/vaccines/adults/rec-vac/hcw.html>

³ Explanation of CDC recommendations can be found at: <http://www.cdc.gov/vaccines/vpd-vac/polio/in-short-bot.htm#who>

⁴ Currently, Oregon law (ORS 433.407) states that facilities employing healthcare workers must offer flu vaccine but may not require employees to be immunized unless a state or federal rule requires it.

⁵ <http://www.cdc.gov/tb/topic/testing/>

Standard	Timing	Notes
Training		
CPR/Basic Life Support (BLS) for healthcare providers	Prior to initial placement; maintain current certification during placement	Recommend trainings that comply with the American Heart Association standards
Bloodborne Pathogen training (OSHA)	Prior to initial placement	
OSHA recommended safety guidelines (including fire and electrical safety; personal protective equipment; hazard communications; and infection prevention practices).	Prior to initial placement	Schools must verify student familiarity or exposure to topics
<i>Site-specific</i> privacy and confidentiality practices	With each placement	May include review of clinical site policies and procedures, phone numbers, and emergency codes, signing a non-disclosure agreement, etc.
<i>Site-specific</i> orientation (facility-specific protocols for safety, security, standards of behavior, etc.)		
Insurance and Liability Coverage and Other Standards		
Professional liability insurance	Prior to initial placement	If student is covered by school, school can provide written statement and documentation of insurance or self-insurance
General liability insurance		If student is covered by school, school can provide written statement and documentation of insurance or self-insurance
<i>Recommended but not required --</i> Current health insurance (or coverage via Workers' Compensation insurance extended to students by school)		Coverage must protect student against on the job accidents, illness, or injury.