



PUBLIC HEALTH DIVISION, Center for Health Protection
Health Care Regulation and Quality Improvement Section
Health Facility Licensing and Certification Program

Tina Kotek, Governor



Survey & Certification Unit

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March 2, 2023

Bahaa Wanly
President, Legacy Mount Hood Medical Center
Legacy Mount Hood Medical Center
24800 SE Stark Street
Gresham, OR 97030

Re: Hospital Licensure Requirements

Dear Bahaa Wanly:

The Oregon Health Authority (OHA) Health Facility Licensing & Certification renewed the General Hospital license for Legacy Mount Hood Medical Center (LMHMC) in December 2022. The license is valid through December 31, 2023. General Hospitals are required to provide, at minimum, general medical, maternity, and surgical services. [OAR 333-500-0032\(2\)\(a\)\(A\)](#).

LMHMC has made public announcements regarding the potential closure of the Family Birth Center at LMHMC. In addition, LMHMC's attorney Ingrid Brydolf met with OHA team members on February 9, 2023, to discuss the possibility of waiving the licensure requirement for maternity services. As OHA staff informed Ms. Brydolf during that meeting, the hospital may not discontinue a required service unless and until OHA has granted a waiver to that hospital. In addition, OHA staff clarified for Ms. Brydolf that the OHA's waiver review process can take several weeks. To date, OHA has not received a waiver request from LMHMC; therefore, OHA has not begun any waiver review process.

We understand that the request to close a service requires serious consideration by the facility and want to clarify the potential consequence of closure without an OHA waiver.

Non-compliance with a licensure requirement would subject the hospital to possible state sanctions pursuant to [ORS 441.030\(2\)](#), which can include suspension or revocation of the hospital license. In addition, state licensure compliance is required by [the Centers for Medicare & Medicaid Services \(CMS\), specifically 42 CFR §482.11 Condition of Participation: Compliance with Federal, State and Local Laws](#)¹. Closure of a required service without a waiver would put the hospital at risk of a CMS 90-day termination for non-compliance with state licensure requirements.

¹ See [CMS State Operations Manual Appendix A](#) for CMS interpretive guidance.

Hospital Licensure Requirements

March 3, 2023

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Please let us know if you have questions regarding the state licensure requirements or federal certification requirements.

Sincerely,



André Ourso, MPH, JD
Center Administrator
Center for Health Protection

Cc: Ingrid Brydolf, Davis Wright Tremaine

If you need this information in an alternate format,
please call our office at (971) 673-0540 or TTY 711.