

SENATE AMENDMENTS TO SENATE BILL 454

By COMMITTEE ON HEALTH CARE AND VETERANS' AFFAIRS

May 6

1 On page 1 of the printed bill, line 2, after “information” delete the rest of the line and line 3
2 and insert “; and declaring an emergency.”.

3 In line 5, delete “3, 4 and 5” and insert “3 and 4”.

4 Delete lines 18 through 25.

5 Delete pages 2 through 10 and insert:

6 **“SECTION 4. The Director of the Department of Consumer and Business Services may**
7 **establish by rule uniform standards applicable to health insurers licensed by the Department**
8 **of Consumer and Business Services that incorporate the standards developed by the Office**
9 **for Oregon Health Policy and Research pursuant to section 5 of this 2009 Act.**

10 **“SECTION 5. (1) The Office for Oregon Health Policy and Research shall convene a**
11 **stakeholder workgroup to develop uniform standards for health insurers licensed in this**
12 **state, including but not limited to standards for:**

13 **“(a) Eligibility verification.**

14 **“(b) Health care claims processes.**

15 **“(c) Payment and remittance advice.**

16 **“(2) The Office for Oregon Health Policy and Research shall report on progress toward**
17 **the development of uniform standards under subsection (1) of this section to the appropriate**
18 **interim committee of the Legislative Assembly no later than October 1, 2009.**

19 **“SECTION 6. Sections 7, 8 and 9 of this 2009 Act are added to and made a part of ORS**
20 **chapter 442.**

21 **“SECTION 7. As used in this section and sections 8 and 9 of this 2009 Act:**

22 **“(1)(a) ‘Capital project’ means:**

23 **“(A) The construction, development, purchase, renovation or any construction expendi-**
24 **ture by or on behalf of a reporting entity, for which the cost:**

25 **“(i) For type A hospitals, exceeds five percent of gross revenue.**

26 **“(ii) For type B hospitals, exceeds five percent of gross revenue.**

27 **“(iii) For DRG hospitals, exceeds 1.75 percent of gross revenue.**

28 **“(iv) For ambulatory surgery centers, exceeds \$2 million.**

29 **“(B) The purchase or lease of, or other comparable arrangement for, a single piece of**
30 **diagnostic or therapeutic equipment for which the cost or, in the case of a donation, the**
31 **value exceeds \$1 million. The acquisition of two or more pieces of diagnostic or therapeutic**
32 **equipment that are necessarily interdependent in the performance of ordinary functions shall**
33 **be combined in calculating the cost or value of the transaction.**

34 **“(b) ‘Capital project’ does not include a project financed entirely through charitable**
35 **fundraising.**

1 “(2) ‘DRG hospital’ means a hospital that is not a type A or type B hospital and that
2 receives Medicare reimbursement based upon diagnostic related groups.

3 “(3) ‘Gross revenue’ has the meaning given that term in ORS 442.015.

4 “(4) ‘Reporting entity’ includes the following if licensed pursuant to ORS 441.015:

5 “(a) A type A hospital as described in ORS 442.470.

6 “(b) A type B hospital as described in ORS 442.470.

7 “(c) A DRG hospital.

8 “(d) An ambulatory surgical center as defined in ORS 442.015.

9 “SECTION 8. The Office for Oregon Health Policy and Research may adopt rules requir-
10 ing reporting entities within the state to publicly report proposed capital projects. Rules
11 adopted under this section must:

12 “(1) Require a reporting entity to establish on the home page of its website a prominently
13 labeled link to information about proposed or pending capital projects. The information
14 posted must include but is not limited to a report of the community benefit for the project,
15 its estimated cost and a means for interested persons to submit comments. When a report-
16 ing entity posts the information required under this subsection, the reporting entity must
17 notify the Office for Oregon Health Policy and Research of the posting in the manner pre-
18 scribed by the office.

19 “(2) If a reporting entity does not have a website, require the reporting entity to publish
20 notice of the proposed capital project in a major newspaper or online equivalent serving the
21 region in which the proposed capital project will be located. The notice must include but is
22 not limited to a report of the community benefit for the project, its estimated cost and a
23 means for interested persons to submit comments. When a reporting entity publishes the
24 information required under this subsection, the reporting entity must notify the Office for
25 Oregon Health Policy and Research of the publication in the manner prescribed by the office.

26 “(3) Establish a publicly available resource for information collected under this section.

27 “SECTION 9. (1) Any reporting entity that fails to report as required by rules of the Of-
28 fice for Oregon Health Policy and Research adopted pursuant to section 8 of this 2009 Act
29 may be subject to a civil penalty.

30 “(2) The Administrator of the Office for Oregon Health Policy and Research shall adopt
31 a schedule of penalties, not to exceed \$500 per day of violation, that are based on the severity
32 of the violation.

33 “(3) Civil penalties imposed under this section shall be imposed as provided in ORS
34 183.745.

35 “(4) Civil penalties imposed under this section may be remitted or mitigated upon such
36 terms and conditions as the administrator considers proper and consistent with the public
37 health and safety.

38 “(5) Civil penalties incurred under any law of this state are not allowable as costs for the
39 purpose of rate determination or for reimbursement by a third-party payer.

40 “SECTION 10. This 2009 Act being necessary for the immediate preservation of the public
41 peace, health and safety, an emergency is declared to exist, and this 2009 Act takes effect
42 on its passage.”.