

REVENUE: No revenue impact

FISCAL: Fiscal statement issued

Action: Do Pass with Amendments to the A-Engrossed Measure. (Printed B-Engrossed)

Vote: 4 - 1 - 0

Yeas: Bonamici, Kruse, Whitsett, Prozanski

Nays: Dingfelder

Exc.: 0

Prepared By: Aaron Knott, Counsel

Meeting Dates: 5/17, 6/1

WHAT THE MEASURE DOES: Requires health care provider to notify law enforcement if the provider becomes aware as a result of a blood test that the patient who was operating a motor vehicle in an accident has a controlled substance in his or her blood.

ISSUES DISCUSSED:

- Which substances would be likely to generate a report to law enforcement if present in the blood
- Duration of substances detectable in the blood relative to their duration of active effect on the body
- Rise of pharmaceutical substance abuse in association with motor vehicle collisions and fatalities

EFFECT OF COMMITTEE AMENDMENT: Removes urine and other diagnostic tests besides blood from coverage.

BACKGROUND: ORS 676.260 requires a health care provider to notify law enforcement if the provider becomes aware of the result of a blood test that a patient who was operating a motor vehicle in an accident has alcohol in his or her blood. It has not been construed to require a health care provider to conduct a blood test if the provider were not otherwise going to do so.

House Bill 3085 B expands this procedure to cover the results of toxicology screens of blood which are done as a matter of course as part of the intake process to determine a course of treatment for an individual who has suffered trauma as the result of a motor vehicle accident. A toxicology screen given in this setting is designed to detect the presence of substances which may have a reactive or cumulative effect with emergency medical treatments and can have potentially life threatening complications if overlooked. Such a toxicology screen is generally not comprehensive and will not detect all substances listed in ORS 475.005. House Bill 3085 B also requires the health care facility rather than the health care provider to make the notification to law enforcement when the facility detects the presence of alcohol or controlled substances in the result of a blood-based toxicology screen.