

Enrolled
House Bill 3085

Sponsored by Representative BARKER

CHAPTER

AN ACT

Relating to duties of health care providers; amending ORS 676.260.

Be It Enacted by the People of the State of Oregon:

SECTION 1. ORS 676.260 is amended to read:

676.260. (1) *[If a health care provider who is providing medical care in]* A health care facility **that provides medical care** immediately after a motor vehicle accident to a person reasonably believed to be the operator of a motor vehicle involved in the accident[,] **shall notify any law enforcement officer who is at the health care facility and is acting in an official capacity in relation to the motor vehicle accident if the health care facility** becomes aware, as a result of any blood test performed in the course of that treatment, that:

(a) The person's blood alcohol level meets or exceeds the percent specified in ORS 813.010[, *the health care provider must notify any law enforcement officer who is at the health care facility and is acting in an official capacity in relation to the motor vehicle accident.*]; **or**

(b) **The person's blood contains a controlled substance, as defined in ORS 475.005.**

(2) **If a health care facility is required to notify a law enforcement officer of test results under subsection (1) of this section and** no law enforcement officer is present in an official capacity at the health care facility, the health care facility *[must]* **shall** notify a law enforcement agency in the county in which the accident occurred, or an Oregon State Police dispatch center, as soon as possible but no more than 72 hours after becoming aware of the results of the blood test.

[(2)] (3) *[The notice shall]* **A notice required under this section must** consist of:

(a) The name of the person being treated[,];

(b) The blood alcohol level **and name and level of any controlled substance** disclosed by the test; and

(c) The date and time of the administration of the test.

[(3)] (4) *[Nothing contained in]* ORS 40.225 to 40.295 *[affects]* **do not affect** the requirement to provide notice imposed by this section, and the health care *[provider]* **facility** shall not be considered to have breached any duty under ORS 40.225 to 40.295 owed to the person about whom the notice is made.

Passed by House April 26, 2011

Repassed by House June 17, 2011

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Ramona Kenady Line, Chief Clerk of House

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Bruce Hanna, Speaker of House

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Arnie Roblan, Speaker of House

Passed by Senate June 15, 2011

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Peter Courtney, President of Senate

Received by Governor:

.....M,....., 2011

Approved:

.....M,....., 2011

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John Kitzhaber, Governor

Filed in Office of Secretary of State:

.....M,....., 2011

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Kate Brown, Secretary of State