

House Bill 3085

Sponsored by Representative BARKER

SUMMARY

The following summary is not prepared by the sponsors of the measure and is not a part of the body thereof subject to consideration by the Legislative Assembly. It is an editor's brief statement of the essential features of the measure **as introduced**.

Requires health care provider to notify law enforcement if provider becomes aware as result of blood test that patient who was operating motor vehicle in accident has controlled substance in blood.

A BILL FOR AN ACT

1
2 Relating to duties of health care providers; amending ORS 676.260.

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

4 **SECTION 1.** ORS 676.260 is amended to read:

5 676.260. (1) *[If]* A health care provider who is providing medical care in a health care facility
6 immediately after a motor vehicle accident to a person reasonably believed to be the operator of a
7 motor vehicle involved in the accident[,] **shall notify any law enforcement officer who is at the**
8 **health care facility and is acting in an official capacity in relation to the motor vehicle ac-**
9 **cident if the health care provider** becomes aware, as a result of any blood test performed in the
10 course of that treatment, that:

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

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

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

19 [(2)] (3) The notice [*shall*] **required under this section must** consist of:

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

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

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

24 [(3)] (4) [*Nothing contained in*] ORS 40.225 to 40.295 [*affects*] **do not affect** the requirement to
25 provide notice imposed by this section, and the health care provider shall not be considered to have
26 breached any duty under ORS 40.225 to 40.295 owed to the person about whom the notice is made.

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NOTE: Matter in **boldfaced** type in an amended section is new; matter [*italic and bracketed*] is existing law to be omitted.
New sections are in **boldfaced** type.