

Senate Bill 1536

Sponsored by Senator KRUSE; Senators ATKINSON, FERRIOLI, GEORGE, GIROD, MORSE, OLSEN, STARR, TELFER, WHITSETT, WINTERS, Representative HICKS (Pre-session filed.)

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**.

Makes coordinated care organizations local public bodies under Oregon Tort Claims Act for purposes of tort claims arising out of health services that are paid for by Oregon Health Authority. Requires organizations to impose assessments on contracting health care providers for costs associated with defending and indemnifying claims for personal injury or death made against organizations, or contracting health care providers, based on health services paid for by Oregon Health Authority.

Declares emergency, effective on passage.

A BILL FOR AN ACT

1
2 Relating to health care organizations; and declaring an emergency.

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

4 **SECTION 1. Section 2 of this 2012 Act is added to and made a part of ORS chapter 414.**

5 **SECTION 2. (1) A coordinated care organization is a local public body for purposes of**
6 **ORS 30.260 to 30.300, to the extent that the organization:**

7 (a) **Meets the criteria adopted by the Oregon Health Authority under ORS 414.625;**

8 (b) **Contracts with and is paid by the authority to provide health services to no less than**
9 **five percent of the members of the organization; and**

10 (c) **Provides health services to members of the organization that are paid for by the au-**
11 **thority.**

12 (2) **A health care provider that contracts with a coordinated care organization to provide**
13 **health services to members of the organization that are paid for by the Oregon Health Au-**
14 **thority is an agent of the coordinated care organization under ORS 30.260 to 30.300 for the**
15 **purpose of tort claims arising out of those health services.**

16 (3) **A coordinated care organization described in subsection (1) of this section shall im-**
17 **pose an assessment on each health care provider that contracts with the organization to**
18 **provide health services to members of the organization that are paid for by the Oregon**
19 **Health Authority. The assessments collected shall be used only for the purpose of paying the**
20 **costs incurred by the organization to defend, save harmless and indemnify the organization**
21 **and the contracting health care providers against any tort claim, whether groundless or**
22 **otherwise, arising out of an alleged act or omission occurring in the provision of health**
23 **services that are paid for by the authority.**

24 **SECTION 3. Section 2 of this 2012 Act applies only to causes of action that arise on or**
25 **after January 1, 2013.**

26 **SECTION 4. This 2012 Act being necessary for the immediate preservation of the public**
27 **peace, health and safety, an emergency is declared to exist, and this 2012 Act takes effect**
28 **on its passage.**

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.

