

May 13, 2013

Jeff Heatherington  
President, FamilyCare, Inc.

Proposed Amendments to HB 3309

Section 2. Delete subsections (1)-(4)

Insert the following:

- (1) As used in this subsection, an “essential health care entity” is a hospital or other health care provider:
  - a. Who is the sole provider of services in a community, and/ or
  - b. Who provides or controls health care services of more than 25% in a community, and/or
  - c. Whose withdrawal , act or refusal to act, puts the organization at risk of decertification under ORS 414.635.
- (2) An essential health care entity is prohibited from taking the following actions:
  - a. Refusing to deliver services to any person covered under a managed health care government contract, and/or
  - b. Refuse to contract, or refuse to cooperate with an organization providing managed health care services under a government contract, and/or
  - c. Bring a legal action against an organization with a managed care government contract for reimbursement greater than that specified in ORS 414.743, and/or
  - d. Refuse to deliver health care services, and/or
  - e. Act or refuses to act, in any manner which puts the organization at risk of decertification under ORS 414.635.
- (3) The Attorney General shall be responsible for enforcement of this Act.
- (4) (Any action under this act shall be brought under ORS (Administrative law judge)).
- (5) An essential health care entity found in violation of this Act shall not be reimbursed for its services at a rate greater than 58 percent of the Medicare reimbursement rate, or the existing Medicaid rate, which ever is lesser, for one year.
- (6) An essential health care entity found in violation of this Act shall not be allowed to create or participate in the governance of , any organization with a government managed health care contract for five years.