

Senate Bill 376

Sponsored by Senator BATES (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**.

Prohibits restrictions on health practitioner self-referrals other than requirement to notify patient that health practitioner has financial interest in referral.

Declares emergency, effective on passage.

A BILL FOR AN ACT

1
2 Relating to health practitioner self-referrals; amending ORS 441.098; and declaring an emergency.

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

4 **SECTION 1.** ORS 441.098 is amended to read:

5 441.098. (1) As used in this section:

6 (a) "Facility" means a hospital, ambulatory surgical center or freestanding birthing center.

7 (b) "Financial interest" means a five percent or greater direct or indirect ownership interest.

8 (c) "Health practitioner" means a physician, podiatric physician and surgeon, dentist, direct
9 entry midwife or licensed registered nurse who is certified by the Oregon State Board of Nursing
10 as a nurse midwife nurse practitioner.

11 (d) "Physician" has the meaning given that term in ORS 677.010.

12 (2) If a health practitioner refers a patient for treatment at a facility in which the health prac-
13 titioner or an immediate family member has a financial interest, the health practitioner shall inform
14 the patient orally and in writing of that interest at the time of the referral. **The Oregon Health
15 Authority may not impose additional restrictions or limitations on any referral described in
16 this section that are in addition to the notice required by this subsection.**

17 (3) In obtaining informed consent for treatment that will take place at a facility, a health prac-
18 titioner shall disclose the manner in which care will be provided in the event that complications
19 occur that require health services beyond what the facility has the capability to provide.

20 **SECTION 2. This 2013 Act being necessary for the immediate preservation of the public
21 peace, health and safety, an emergency is declared to exist, and this 2013 Act takes effect
22 on its passage.**

23

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.