

# Senate Bill 389

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**.

Requires Oregon Health Authority to adopt by rule requirements that meet specified criteria for health practitioner referrals of patients to facilities in which health practitioner has financial interest.

## A BILL FOR AN ACT

1  
2 Relating to health care practitioner referrals of patients to providers of medical services; amending  
3 ORS 441.098.

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

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

6 441.098. (1) As used in this section:

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

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

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

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

13 (2) If a health practitioner refers a patient for treatment at a facility in which the health prac-  
14 titioner or an immediate family member has a financial interest, the health practitioner shall inform  
15 the patient orally and in writing of that interest at the time of the referral.

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

19 **(4) The Oregon Health Authority shall adopt by rule requirements for a health care  
20 practitioner's referral of patients for treatment at a facility in which the referring health  
21 practitioner or an immediate family member of the referring health practitioner has a fi-  
22 nancial interest that:**

23 **(a) Permit any such referral as long as the requirements of subsection (2) of this section  
24 have been met;**

25 **(b) Are no more restrictive than the requirements adopted by the Secretary of the United  
26 State Department of Health and Human Services pursuant to 42 U.S.C. 1395; and**

27 **(c) Are consistent with the exemptions to 42 U.S.C. 1395 adopted by the secretary, in-  
28 cluding but not limited to the in-office ancillary services exemption.**

29  

---

  
**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.