

B-Engrossed Senate Bill 604

Ordered by the Senate June 14
Including Senate Amendments dated April 24 and June 14

Sponsored by Senators BATES, STEINER HAYWARD

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.

Requires Oregon Health Authority to establish program for purpose of providing to credentialing organizations access to information that is necessary to credential or recredential health care practitioners.

Requires establishment of electronic database for purposes of submitting and accessing credentialing information.

Sets January 1, 2016, operative date for provisions related to establishment of program and electronic database.

Requires authority to report on implementation of electronic database and adoption of rules related to program to interim committees of Legislative Assembly related to health and Legislative Assembly on or before specified dates.

A BILL FOR AN ACT

1
2 Relating to credentialing of health care practitioners.

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

4 **SECTION 1. Sections 2 to 7 of this 2013 Act are added to and made a part of ORS chapter**
5 **442.**

6 **SECTION 2. As used in sections 2 to 7 of this 2013 Act:**

7 (1) "Credentialing information" means information necessary to credential or recreden-
8 tial a health care practitioner.

9 (2) "Credentialing organization" means a hospital or other health care facility, physician
10 organization or other health care provider organization, coordinated care organization,
11 business organization, insurer or other organization that credentials health care practition-
12 ers.

13 (3) "Health care practitioner" means an individual authorized to practice a profession
14 related to the provision of health care services in this state for which the individual must
15 be credentialed.

16 (4) "Health care regulatory board" means a board or other agency that authorizes indi-
17 viduals to practice a profession related to the provision of health care services for which the
18 individual must be credentialed.

19 **SECTION 3. (1)(a) The Oregon Health Authority, in consultation with the advisory work**
20 **group convened under section 7 of this 2013 Act, shall establish a program for the purpose**
21 **of providing to a credentialing organization access to information that is necessary to cre-**
22 **dential or recredential a health care practitioner.**

23 (b) To fulfill the requirements of this subsection, the authority shall establish and oper-

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.

1 ate an electronic system through which credentialing information may be submitted to an
2 electronic database and accessed. The system must operate and be accessible by credential-
3 ing organizations, health care practitioners and health care regulatory boards 24 hours a day,
4 seven days a week. The authority may contract with a private entity to ensure the effective
5 establishment and operation of the system.

6 (c) To the greatest extent practicable, the electronic system shall use the most accessible
7 and current technology available.

8 (2) In consultation with the advisory work group convened under section 7 of this 2013
9 Act, the authority shall adopt rules for the operation of the electronic system, including:

10 (a) Identification of the type of information that is necessary to credential or recreden-
11 tial each type of health care practitioner;

12 (b) Processes by which a health care practitioner or health care regulatory board submits
13 credentialing information to the authority or an entity that has entered into a contract with
14 the authority under subsection (1)(b) of this section;

15 (c) Processes, as required by recognized state and national credentialing standards, by
16 which credentialing information submitted under section 4 of this 2013 Act is verified;

17 (d) Processes by which a credentialing organization, health care practitioner or health
18 care regulatory board may electronically access the database;

19 (e) Processes by which a health care practitioner may attest that the credentialing in-
20 formation in the electronic database is current;

21 (f) The purposes for which credentialing information accessed by a credentialing organ-
22 ization or health care regulatory board may be used; and

23 (g) The imposition of fees, not to exceed the cost of administering sections 2 to 7 of this
24 2013 Act, on health care practitioners who submit credentialing information to the database
25 and credentialing organizations that access the database.

26 (3) All information, except for general information used for directories, as defined by the
27 authority by rule, that is received, kept and maintained in the database under this section
28 is exempt from public disclosure under ORS 192.410 to 192.505.

29 **SECTION 4.** (1)(a) As a condition of being authorized to practice a profession in this
30 state, a health care practitioner or designee must submit to the Oregon Health Authority,
31 an entity that has entered into a contract with the authority under section 3 (1)(b) of this
32 2013 Act or a health care regulatory board the credentialing information identified by the
33 authority under section 3 (2)(a) of this 2013 Act.

34 (b) A health care practitioner that, in good faith, submits credentialing information un-
35 der this subsection is immune from civil liability that might otherwise be incurred or im-
36 posed with respect to the submission of that credentialing information.

37 (2) The authority may require a health care regulatory board, after consulting with the
38 health care regulatory board, to provide or supplement the credentialing information identi-
39 fied by the authority under section 3 (2)(a) of this 2013 Act.

40 (3)(a) A credentialing organization shall obtain from the authority, or an entity that has
41 entered into a contract with the authority under section 3 (1)(b) of this 2013 Act, the cre-
42 dentialing information of the health care practitioner that is kept and maintained in the
43 electronic database described in section 3 of this 2013 Act. A credentialing organization may
44 not request credentialing information from a health care practitioner if the credentialing
45 information is available through the database. However, nothing in sections 2 to 7 of this 2013

1 Act shall prevent a credentialing organization from requesting additional credentialing in-
2 formation from a health care practitioner for the purpose of completing credentialing pro-
3 cedures for the health care practitioner used by the credentialing organization.

4 (b) A credentialing organization that, in good faith, uses credentialing information pro-
5 vided under this subsection for the purposes established by the authority under section 3
6 (2)(e) of this 2013 Act is immune from civil liability that might otherwise be incurred or im-
7 posed with respect to the use of that credentialing information.

8 **SECTION 5.** A prepaid group practice health plan that serves at least 200,000 members
9 in this state and that has been issued a certificate of authority by the Department of Con-
10 sumer and Business Services may petition the Director of the Oregon Health Authority to
11 be exempt from the requirements of sections 2 to 7 of this 2013 Act. The director may award
12 the petition if the director determines that subjecting the health plan to sections 2 to 7 of
13 this 2013 Act is not cost-effective. If a petition is awarded under this section, the exemption
14 also applies to any health care facilities and health care provider groups associated with the
15 health plan.

16 **SECTION 6.** The Director of the Oregon Health Authority shall adopt rules necessary for
17 the administration of sections 2 to 7 of this 2013 Act.

18 **SECTION 7.** At least once per year, the Oregon Health Authority shall convene an advi-
19 sory group consisting of individuals who represent credentialing organizations, health care
20 practitioners and health care regulatory boards to review and advise the authority on the
21 implementation of sections 2 to 7 of this 2013 Act and on the standard credentialing appli-
22 cation used in this state.

23 **SECTION 8.** (1) To establish the electronic system described in section 3 of this 2013 Act,
24 the Oregon Health Authority shall issue a request for information to seek input from po-
25 tential contractors on capabilities and cost structures associated with the scope of work re-
26 quired to establish and maintain the electronic system. The authority shall use the results
27 of the request for information to create a formal request for proposals. No later than 150
28 business days after the close of the request for information, the authority shall issue a
29 formal request for proposals to establish and maintain the electronic system.

30 (2) The authority may enter into a contract under section 3 (1)(b) of this 2013 Act with
31 a private entity only if the private entity:

32 (a) Can demonstrate appropriate technical, analytical and clinical knowledge and experi-
33 ence to carry out the duties prescribed by section 3 of this 2013 Act; or

34 (b) Has a contract, or will enter into a contract, with another entity that meets the cri-
35 teria described in this subsection.

36 **SECTION 9.** The Oregon Health Authority shall report on the implementation of the
37 electronic system described in section 3 (1) of this 2013 Act and on the development of rules
38 to be adopted under section 3 (2) of this 2013 Act to:

39 (1) The interim committees of the Legislative Assembly related to health no later than
40 October 1, 2014; and

41 (2) The Legislative Assembly in the manner required by ORS 192.245:

42 (a) On or before February 1, 2014; and

43 (b) On or before February 1, 2015.

44 **SECTION 10.** Sections 8 and 9 of this 2013 Act are repealed on the date of the convening
45 of the 2016 regular session of the Legislative Assembly as specified in ORS 171.010.

1 **SECTION 11.** (1) Sections 2 to 5 of this 2013 Act become operative on January 1, 2016.
2 (2) The Oregon Health Authority may take any action necessary before the operative date
3 specified in subsection (1) of this section to enable the authority to exercise, on and after the
4 operative date specified in subsection (1) of this section, all the duties, functions and powers
5 conferred on the authority by sections 2 to 5 of this 2013 Act.
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