

## HOUSE AMENDMENTS TO A-ENGROSSED SENATE BILL 683

By COMMITTEE ON CONSUMER PROTECTION AND GOVERNMENT EFFICIENCY

June 3

- 1 On page 1 of the printed corrected A-engrossed bill, delete lines 5 through 22.
- 2 On page 2, delete lines 1 through 12 and insert:
- 3 **“SECTION 1.** ORS 441.098 is amended to read:
- 4 **“441.098. (1) As used in this section and sections 2 and 3 of this 2013 Act:**
- 5 **“(a) ‘Facility’ means a hospital, outpatient clinic owned by a hospital, ambulatory surgical**
- 6 **center, [or] freestanding birthing center or facility that receives Medicare reimbursement as an**
- 7 **independent diagnostic testing facility.**
- 8 **“(b) ‘Financial interest’ means a five percent or greater direct or indirect ownership interest.**
- 9 **“(c)(A) ‘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, certified nurse practitioner, licensed physician assistant**
- 12 **or medical imaging licensee under ORS 688.405 to 688.605.**
- 13 **“(B) ‘Health practitioner’ does not include a provider in a health maintenance organiza-**
- 14 **tion as defined in ORS 750.005.**
- 15 **“(d) ‘Physician’ has the meaning given that term in ORS 677.010.**
- 16 **“(2) A health practitioner’s decision to refer a patient to a facility for a diagnostic test**
- 17 **or health care treatment or service shall be based on the patient’s clinical needs and per-**
- 18 **sonal health choices.**
- 19 **“[(2)] (3) If a health practitioner refers a patient for a diagnostic test or health care treatment**
- 20 **or service at a facility in which the health practitioner or an immediate family member of the**
- 21 **health practitioner has a financial interest, the health practitioner or the practitioner’s designee**
- 22 **shall inform the patient orally and in writing of that interest at the time of the referral.**
- 23 **“(4)(a) If a health practitioner refers a patient to a facility for a diagnostic test or health**
- 24 **care treatment or service, the health practitioner or the practitioner’s designee shall inform**
- 25 **the patient, in the form and manner prescribed by the Oregon Health Authority by rule, that:**
- 26 **“(A) The patient may receive the test, treatment or service at a different facility of the**
- 27 **patient’s choice; and**
- 28 **“(B) If the patient chooses a different facility, the patient should contact the patient’s**
- 29 **insurer regarding the extent of coverage or the limitations on coverage for the test, treat-**
- 30 **ment or service at the facility chosen by the patient.**
- 31 **“(b) Rules concerning the form and manner for informing a patient as required by this**
- 32 **subsection shall:**
- 33 **“(A) Be designed to ensure that the information is conveyed in a timely and meaningful**
- 34 **manner;**
- 35 **“(B) Be administratively simple; and**

1       “(C) Accommodate a provider’s adoption and use of electronic health record systems.

2       “(5) A health practitioner may not deny, limit or withdraw a referral to a facility solely  
3 for the reason that the patient chooses to obtain the test, treatment or service from a dif-  
4 ferent facility.

5       “(6) The authority may not impose additional restrictions or limitations on any referral  
6 described in this section that are in addition to the requirements specified in subsections (3)  
7 and (4) of this section.

8       “[(3)] (7) In obtaining informed consent for a **diagnostic test or health care** treatment or  
9 **service** that will take place at a facility, a health practitioner shall disclose the manner in which  
10 care will be provided in the event that complications occur that require health services beyond what  
11 the facility has the capability to provide.

12       “(8) Subsections (3) to (5) of this section do not apply to a referral for a diagnostic test  
13 or health care treatment or service:

14       “(a) For a patient who is receiving inpatient hospital services or services in an emer-  
15 gency department if the referral is for a diagnostic test or health care treatment or service  
16 to be performed while the patient is in the hospital or emergency department;

17       “(b) Made to a particular facility after the initial referral of the patient to that facility;  
18 or

19       “(c) Made by the facility or provider to whom a patient was referred.”.

20       In line 13, delete “the provisions of”.

21       In line 14, after “441.098” insert “(2), (3), (4) or (5)”.

22       Delete lines 19 through 22 and insert:

23       “**SECTION 3. If the Oregon Health Licensing Agency or the appropriate health profes-**  
24 **sional regulatory board takes disciplinary action under section 2 of this 2013 Act, the agency**  
25 **or board may also impose a civil penalty of not more than \$1,000 on a health practitioner for**  
26 **violating ORS 441.098 (2), (3), (4) or (5).”.**

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