

SENATE AMENDMENTS TO SENATE BILL 683

By COMMITTEE ON GENERAL GOVERNMENT, CONSUMER AND SMALL BUSINESS
PROTECTION

April 22

- 1 On page 1 of the printed bill, delete line 3 and insert “and amending ORS 441.098.”.
- 2 Delete lines 5 through 27 and delete pages 2 through 7.
- 3 On page 8, delete lines 1 through 38 and insert:
- 4 “**SECTION 1.** ORS 441.098 is amended to read:
- 5 “441.098. (1) As used in this section **and sections 2 and 3 of this 2013 Act:**
- 6 “(a) ‘Facility’ means a hospital, **outpatient clinic owned by a hospital**, ambulatory surgical
- 7 center, [or] freestanding birthing center **or a facility that receives Medicare reimbursement as**
- 8 **an independent diagnostic testing facility.**
- 9 “(b) ‘Financial interest’ means a five percent or greater direct or indirect ownership interest.
- 10 “(c)(A) ‘Health practitioner’ means a physician, podiatric physician and surgeon, dentist, direct
- 11 entry midwife, [or] licensed registered nurse who is certified by the Oregon State Board of Nursing
- 12 as a nurse midwife nurse practitioner, **certified nurse practitioner, licensed physician assistant**
- 13 **or medical imaging licensee under ORS 688.405 to 688.605.**
- 14 “(B) ‘Health practitioner’ **does not include an employee of a health maintenance organ-**
- 15 **ization as defined in ORS 750.005.**
- 16 “(d) ‘Physician’ has the meaning given that term in ORS 677.010.
- 17 “(2) **A health practitioner may not limit patient referrals to facilities in which the health**
- 18 **practitioner or an immediate family member of the health practitioner has a financial in-**
- 19 **terest or that employ the health practitioner. A health practitioner must refer a patient to**
- 20 **a facility based solely on consideration of the patient’s needs and personal health choices. If**
- 21 **a health practitioner refers a patient for treatment [at] or a health care service to a facility in**
- 22 **which the health practitioner or an immediate family member of the health practitioner has a fi-**
- 23 **nanacial interest[, the health practitioner shall inform the patient orally and in writing of that interest**
- 24 **at the time of the referral.] or that employs the health practitioner, the health practitioner or**
- 25 **the health practitioner’s designee shall inform the patient of that interest or employment**
- 26 **relationship and inform the patient that the patient may receive the treatment or health**
- 27 **care service at a facility or from a provider of the patient’s choice. The Oregon Health Au-**
- 28 **thority may not impose additional restrictions or limitations on any referral described in this**
- 29 **section that are in addition to the notice required by this section.**
- 30 “(3) In obtaining informed consent for treatment **or a health care service** that will take place
- 31 at a facility, a health practitioner shall disclose the manner in which care will be provided in the
- 32 event that complications occur that require health **care** services beyond what the facility has the
- 33 capability to provide.”.
- 34 In line 39, delete “7” and insert “2” and delete “care”.
- 35 In line 40, delete “sections 1 to 6 of this 2013 Act” and insert “ORS 441.098”.

1 In line 44, delete “sections 1 to 6 of this 2013 Act” and insert “ORS 441.098”.

2 Delete page 9 and insert:

3 **“SECTION 3. In addition to any other liability or penalty provided by law, the Oregon**
4 **Health Licensing Agency or the appropriate health professional regulatory board may impose**
5 **a civil penalty of not more than \$1,000 on a health practitioner for each violation of ORS**
6 **441.098.”.**

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