

**PROPOSED AMENDMENTS TO
SENATE BILL 683**

1 On page 1 of the printed bill, delete line 3 and insert “and amending ORS
2 441.098.”.

3 Delete lines 5 through 27 and delete pages 2 through 7.

4 On page 8, delete lines 1 through 38 and insert:

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

6 **“441.098. (1) As used in this section and sections 2 and 3 of this 2013**
7 **Act:**

8 **“(a) ‘Facility’ means a hospital, outpatient clinic owned by a hospital,**
9 **ambulatory surgical center, [or] freestanding birthing center or a facility**
10 **that receives Medicare reimbursement as an independent diagnostic**
11 **testing facility.**

12 **“(b) ‘Financial interest’ means a five percent or greater direct or indirect**
13 **ownership interest.**

14 **“(c)(A) ‘Health practitioner’ means a physician, podiatric physician and**
15 **surgeon, dentist, direct entry midwife, [or] licensed registered nurse who is**
16 **certified by the Oregon State Board of Nursing as a nurse midwife nurse**
17 **practitioner, certified nurse practitioner, licensed physician assistant**
18 **or medical imaging licensee under ORS 688.405 to 688.605.**

19 **“(B) ‘Health practitioner’ does not include an employee of a health**
20 **maintenance organization as defined in ORS 750.005.**

21 **“(d) ‘Physician’ has the meaning given that term in ORS 677.010.**

22 **“(2) A health practitioner may not limit patient referrals to facili-**

1 **ties in which the health practitioner or an immediate family member**
2 **of the health practitioner has a financial interest or that employ the**
3 **health practitioner. A health practitioner must refer a patient to a**
4 **facility based solely on consideration of the patient’s needs and per-**
5 **sonal health choices.** If a health practitioner refers a patient for treatment
6 [at] **or a health care service to** a facility in which the health practitioner
7 or an immediate family member **of the health practitioner** has a financial
8 interest[, *the health practitioner shall inform the patient orally and in writing*
9 *of that interest at the time of the referral.*] **or that employs the health**
10 **practitioner, the health practitioner or the health practitioner’s**
11 **designee shall inform the patient of that interest or employment re-**
12 **lationship and inform the patient that the patient may receive the**
13 **treatment or health care service at a facility or from a provider of the**
14 **patient’s choice. The Oregon Health Authority may not impose addi-**
15 **tional restrictions or limitations on any referral described in this sec-**
16 **tion that are in addition to the notice required by this section.**

17 “(3) In obtaining informed consent for treatment **or a health care ser-**
18 **vice** that will take place at a facility, a health practitioner shall disclose the
19 manner in which care will be provided in the event that complications occur
20 that require health **care** services beyond what the facility has the capability
21 to provide.”.

22 In line 39, delete “7” and insert “2” and delete “care”.

23 In line 40, delete “sections 1 to 6” and insert “section 1”.

24 In line 44, delete “sections 1 to 6” and insert “section 1”.

25 Delete page 9 and insert:

26 **“SECTION 3. In addition to any other liability or penalty provided**
27 **by law, the Oregon Health Licensing Agency or the appropriate health**
28 **professional regulatory board may impose a civil penalty of not more**
29 **than \$1,000 on a health practitioner for each violation of ORS**
30 **441.098.”.**

