

**PROPOSED AMENDMENTS TO
A-ENGROSSED SENATE BILL 683**

1 On page 1 of the printed corrected A-engrossed bill, delete lines 5 through
2 22.

3 On page 2, delete lines 1 through 12 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**
6 **Act:**

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

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

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

18 **“(B) ‘Health practitioner’ does not include a provider in a health**
19 **maintenance organization as defined in ORS 750.005.**

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

21 **“(2) A health practitioner’s decision to refer a patient to a facility**
22 **for a diagnostic test or health care treatment or service shall be based**

1 **on the patient's clinical needs and personal health choices.**

2 **"[(2)] (3) If a health practitioner refers a patient for a diagnostic test**
3 **or health care treatment or service at a facility in which the health prac-**
4 **titioner or an immediate family member of the health practitioner has a**
5 **financial interest, the health practitioner or the practitioner's designee**
6 **shall inform the patient orally and in writing of that interest at the time of**
7 **the referral.**

8 **"(4)(a) If a health practitioner refers a patient to a facility for a**
9 **diagnostic test or health care treatment or service, the health practi-**
10 **tioner or the practitioner's designee shall inform the patient, in the**
11 **form and manner prescribed by the Oregon Health Authority by rule,**
12 **that:**

13 **"(A) The patient may receive the test, treatment or service at a**
14 **different facility of the patient's choice; and**

15 **"(B) If the patient chooses a different facility, the patient should**
16 **contact the patient's insurer regarding the extent of coverage or the**
17 **limitations on coverage for the test, treatment or service at the facil-**
18 **ity chosen by the patient.**

19 **"(b) Rules concerning the form and manner for informing a patient**
20 **as required by this subsection shall:**

21 **"(A) Be designed to ensure that the information is conveyed in a**
22 **timely and meaningful manner;**

23 **"(B) Be administratively simple; and**

24 **"(C) Accommodate a provider's adoption and use of electronic**
25 **health record systems.**

26 **"(5) A health practitioner may not deny, limit or withdraw a refer-**
27 **ral to a facility solely for the reason that the patient chooses to obtain**
28 **the test, treatment or service from a different facility.**

29 **"(6) The authority may not impose additional restrictions or limi-**
30 **tations on any referral described in this section that are in addition**

1 **to the requirements specified in subsections (3) and (4) of this section.**

2 “[3] (7) In obtaining informed consent for a **diagnostic test or health**
3 **care treatment or service** that will take place at a facility, a health prac-
4 titioner shall disclose the manner in which care will be provided in the event
5 that complications occur that require health services beyond what the facil-
6 ity has the capability to provide.

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

9 **“(a) For a patient who is receiving inpatient hospital services or**
10 **services in an emergency department if the referral is for a diagnostic**
11 **test or health care treatment or service to be performed while the**
12 **patient is in the hospital or emergency department;**

13 **“(b) Made to a particular facility after the initial referral of the**
14 **patient to that facility; or**

15 **“(c) Made by the facility or provider to whom a patient was re-**
16 **ferred.”.**

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

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

19 Delete lines 19 through 22 and insert:

20 **“SECTION 3. If the Oregon Health Licensing Agency or the appro-**
21 **priate health professional regulatory board takes disciplinary action**
22 **under section 2 of this 2013 Act, the agency or board may also impose**
23 **a civil penalty of not more than \$1,000 on a health practitioner for vi-**
24 **olating ORS 441.098 (2), (3), (4) or (5).”.**

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