

House Bill 2303

Introduced and printed pursuant to House Rule 12.00. Pre-session filed (at the request of House Interim Committee on Health Care)

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 **as introduced**.

Requires health care professionals and hospitals to notify patients and prospective patients of specified information about other physicians who may provide health care services to patient and bill separately from health care professional or hospital.

A BILL FOR AN ACT

1
2 Relating to health care providers; creating new provisions; and amending ORS 441.030.

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

4 **SECTION 1. (1) As used in this section:**

5 (a) **"Health care professional" means an individual who is licensed by a health profes-**
6 **sional regulatory board and who is practicing within the scope of practice of that licensure.**

7 (b) **"Health insurance" has the meaning given that term in ORS 731.162.**

8 (c) **"Health professional regulatory board" has the meaning given that term in ORS**
9 **676.440.**

10 (d) **"Hospital" has the meaning given that term in ORS 442.015.**

11 (e) **"Physician" has the meaning given that term in ORS 677.010.**

12 (2) **If a patient or prospective patient discloses to a health care professional that the**
13 **patient or prospective patient has coverage under a policy or certificate of health insurance**
14 **and the health care professional is not contracted with the insurer and does not participate**
15 **in the network of providers covered by the policy or certificate, the health care professional**
16 **shall inform the patient in writing. The written notification must also include the amount**
17 **or estimated amount that the health care professional will bill the patient or prospective**
18 **patient for health care services provided, or anticipated to be provided, to the patient or**
19 **prospective patient.**

20 (3) **A physician shall provide to a patient or prospective patient the name, practice name,**
21 **mailing address and telephone number of any provider of anesthesiology, laboratory,**
22 **pathology, radiology or assistant surgeon services that are performed in the physician's of-**
23 **fice or that are coordinated or referred by the physician.**

24 (4) **A physician that schedules a patient for a hospital admission or an outpatient hospital**
25 **procedure shall notify the patient and the hospital of the name, practice name, mailing ad-**
26 **dress and telephone number of any other physician whose services will be arranged by the**
27 **physician and who, at the time of the preadmission testing, registration or admission, is**
28 **scheduled to provide services to the patient during the hospital stay or outpatient procedure.**

29 (5) **A hospital shall make available to the public and post on the hospital's website:**

30 (a) **The health insurance policies or certificates in which the hospital is a participating**

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 provider; and

2 (b) The name, practice name, mailing address and telephone number of any physician
 3 whose services will be provided at the hospital but will be billed separately from the hospital
 4 charges.

5 (6) A hospital shall, at the earlier of the preadmission testing, outpatient registration or
 6 nonemergency hospital admission of a patient, notify the patient or the patient's represen-
 7 tative of:

8 (a) The name, practice name, mailing address and telephone number of any physician
 9 whose services are anticipated to be provided to the patient at the hospital but whose ser-
 10 vices will be billed separately from the hospital charges; and

11 (b) Whether the hospital billing will include charges for services provided by physicians
 12 who typically provide services at the hospital, such as anesthesiology, pathology and
 13 radiology.

14 **SECTION 2.** (1) A health care professional who fails to comply with section 1 (2), (3) or
 15 (4) of this 2015 Act shall be subject to disciplinary action by the Health Licensing Office or
 16 by the appropriate health professional regulatory board as defined in ORS 676.440.

17 (2) The Health Licensing Office or the appropriate health professional regulatory board
 18 may investigate a claim under section 1 (2), (3) or (4) of this 2015 Act in accordance with the
 19 investigative authority granted under ORS 676.165.

20 **SECTION 3.** If the Health Licensing Office or the appropriate health professional regu-
 21 latory board takes disciplinary action under section 2 of this 2015 Act, the office or board
 22 may also impose a civil penalty of not more than \$1,000 on a health care professional for each
 23 violation of section 1 (2), (3) or (4) of this 2015 Act.

24 **SECTION 4.** ORS 441.030 is amended to read:

25 441.030. (1) The Oregon Health Authority or the Department of Human Services may assess a
 26 civil penalty and, pursuant to ORS 479.215, shall deny, suspend or revoke a license, in any case
 27 where the State Fire Marshal, or the representative of the State Fire Marshal, certifies that there
 28 is a failure to comply with all applicable laws, lawful ordinances and rules relating to safety from
 29 fire.

30 (2) The authority may:

31 (a) Assess a civil penalty or deny, suspend or revoke a license of a health care facility other
 32 than a long term care facility in any case where it finds that there has been a substantial failure
 33 to comply with ORS 441.015 to 441.063 or **section 1 (5) or (6) of this 2015 Act**, or the rules or
 34 minimum standards adopted under ORS 441.015 to 441.063 or **section 1 (5) or (6) of this 2015**
 35 **Act**.

36 (b) Assess a civil penalty or suspend or revoke a license issued under ORS 441.025 for failure
 37 to comply with an authority order arising from a health care facility's substantial lack of compliance
 38 with the provisions of ORS 441.015 to 441.063, 441.162 or 441.166 or **section 1 (5) or (6) of this 2015**
 39 **Act** or the rules adopted under ORS 441.015 to 441.063, 441.162 or 441.166 or **section 1 (5) or (6)**
 40 **of this 2015 Act**.

41 (c) Suspend or revoke a license issued under ORS 441.025 for failure to pay a civil penalty im-
 42 posed under ORS 441.170.

43 (3) The department may:

44 (a) Assess a civil penalty or deny, suspend or revoke a long term care facility's license in any
 45 case where it finds that there has been a substantial failure to comply with ORS 441.015 to 441.063

1 or 441.087 or the rules or minimum standards adopted under ORS 441.015 to 441.063 or 441.087.

2 (b) Assess a civil penalty or suspend or revoke a long term care facility's license issued under
3 ORS 441.025 for failure to comply with a department order arising from a long term care facility's
4 substantial lack of compliance with the provisions of ORS 441.015 to 441.063, 441.084 or 441.087 or
5 the rules adopted under ORS 441.015 to 441.063, 441.084 or 441.087.

6 (c) Suspend or revoke a license issued under ORS 441.025 for failure to pay a civil penalty im-
7 posed under ORS 441.710.

8 (d) Order a long term care facility licensed under ORS 441.025 to restrict the admission of pa-
9 tients when the department finds an immediate threat to patient health and safety arising from
10 failure of the long term care facility to be in compliance with ORS 441.015 to 441.063, 441.084 or
11 441.087 and the rules adopted under ORS 441.015 to 441.063, 441.084 or 441.087.

12 (4) Any long term care facility that has been ordered to restrict the admission of patients pur-
13 suant to subsection (3)(d) of this section shall post a notice of the restriction, provided by the de-
14 partment, on all doors providing ingress to and egress from the facility, for the duration of the
15 restriction.

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