

# House Bill 3200

Sponsored by Representative GILLIAM; Representative CLEM

## 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**.

Prohibits health care providers and health insurers from denying patient health care or reimbursement of costs of health care necessary to prevent death based on advanced age. Makes violation punishable by maximum of one year's imprisonment, \$6,250 fine, or both.

## A BILL FOR AN ACT

1  
2 Relating to the provision of health care.

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" has the meaning given that term in ORS 127.505.

6 (b) "Health care necessary to prevent death" means health care the denial of which, in  
7 reasonable medical judgment, will result in or hasten the death of the particular patient.

8 (c) "Health care provider" has the meaning given that term in ORS 127.505.

9 (d) "Health care representative" has the meaning given that term in ORS 127.505, except  
10 that, for an unemancipated minor, "health care representative" means the minor's custodial  
11 parent or legal guardian.

12 (e) "Health insurer" has the meaning given that term in ORS 192.556.

13 (2) A health care provider may not deny to a patient 65 years of age or older health care  
14 necessary to prevent death that the provider provides to other patients, if the provision of  
15 the health care is directed by the patient, the terms of the patient's advance directive or the  
16 patient's health care representative, and if the health care is denied:

17 (a) On the basis of the health care provider's view that considers extending the life of  
18 an individual 65 years of age or older as being of lower value than extending the life of an  
19 individual who is younger; or

20 (b) On the basis of the health care provider's disagreement with the way in which the  
21 patient, the terms of the patient's advance directive or the patient's health care represen-  
22 tative assesses the value of extending the patient's life as opposed to the risk of disability.

23 (3) A health insurer may not deny to a patient 65 years of age or older reimbursement  
24 of the cost of health care necessary to prevent death that the insurer reimburses to other  
25 patients, if the provision of the health care is directed by the patient, the terms of the  
26 patient's advance directive or the patient's health care representative, and if the re-  
27 imbursement is denied:

28 (a) On the basis of the health insurer's view that considers extending the life of an indi-  
29 vidual 65 years of age or older as being of lower value than extending the life of an individual  
30 who is younger; or

31 (b) On the basis of the health insurer's disagreement with the way in which the patient,

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 the terms of the patient's advance directive or the patient's health care representative as-  
2 sses the value of extending the patient's life as opposed to the risk of disability.

3 (4) This section does not require the provision of or reimbursement for health care:

4 (a) That the health care provider or health insurer is physically or legally unable to  
5 provide or unable to provide without denying the same health care to another patient;

6 (b) In contradiction to the wishes of the patient or the patient's health care represen-  
7 tative or the terms of the patient's advance directive; or

8 (c) That, in reasonable medical judgment, is medically inappropriate because providing it  
9 would create a greater risk of causing or hastening death than would withholding or with-  
10 drawing it.

11 **SECTION 2.** Violation of section 1 of this 2015 Act is a Class A misdemeanor.

12