

Requested by Senator STEINER HAYWARD

**PROPOSED AMENDMENTS TO  
A-ENGROSSED HOUSE BILL 4017**

1 On page 3 of the printed A-engrossed bill, after line 23, insert:

2 **“SECTION 4. Section 5 of this 2016 Act is added to and made a part**  
3 **of ORS chapter 414.**

4 **“SECTION 5. (1) As used in this section:**

5 **“(a) ‘Approved clinical trial’ has the meaning given that term in**  
6 **ORS 743A.192.**

7 **“(b) ‘Routine health care’:**

8 **“(A) Means the types and extent of health care and services that**  
9 **the Oregon Health Authority requires to be provided in medical as-**  
10 **sistance in accordance with ORS 414.065.**

11 **“(B) Does not include:**

12 **“(i) The drug, device or service being tested in an approved clinical**  
13 **trial, unless a coordinated care organization would provide or pay for**  
14 **the drug, device or service if provided to a member who is not enrolled**  
15 **in an approved clinical trial;**

16 **“(ii) Items or services required solely for the provision of the drug,**  
17 **device or service being tested in an approved clinical trial;**

18 **“(iii) Items or services required solely for the clinically appropriate**  
19 **monitoring of the drug, device or service being tested in an approved**  
20 **clinical trial;**

21 **“(iv) Items or services that are provided solely to satisfy data col-**

1 **lection and analysis needs associated with an approved clinical trial**  
2 **and that are not used in the direct clinical management of the mem-**  
3 **ber; or**

4 **“(v) Items or services customarily provided by a clinical trial**  
5 **sponsor free of charge to any participant in an approved clinical trial.**

6 **“(2) A coordinated care organization may not discriminate against**  
7 **a member on the basis of the member’s participation in an approved**  
8 **clinical trial by:**

9 **“(a) Denying the provision of or payment for routine health care;**  
10 **or**

11 **“(b) Excluding, limiting or imposing additional conditions on the**  
12 **provision of or payment for routine health care furnished in con-**  
13 **nection with the member’s participation in an approved clinical trial.**

14 **“(3) A coordinated care organization that provides routine health**  
15 **care to a member enrolled in an approved clinical trial is not, based**  
16 **on the provision of that care, liable for any adverse effects of the ap-**  
17 **proved clinical trial.”.**

18 In line 24, delete “4” and insert “6”.

19

---