

Requested by JOINT COMMITTEE ON WAYS AND MEANS

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

1 On page 1 of the printed A-engrossed bill, line 2, after “678.038” insert  
2 “and sections 3 and 5, chapter 575, Oregon Laws 2015”.

3 On page 3, after line 17, insert:

4 **“SECTION 3. Notwithstanding any other law limiting expenditures,  
5 the amount of \$415,000 is established for the biennium beginning July  
6 1, 2015, as the maximum limit for payment of expenses for carrying  
7 out the provisions of sections 1 and 2 of this 2016 Act, from fees,  
8 moneys or other revenues, including Miscellaneous Receipts, but ex-  
9 cluding lottery funds and federal funds, collected or received by the  
10 Department of Consumer and Business Services.**

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

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

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

16 **“(b) ‘Routine health care’:**

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

20 **“(B) Does not include:**

21 **“(i) The drug, device or service being tested in an approved clinical**

1 trial, unless a coordinated care organization would provide or pay for  
2 the drug, device or service if provided to a member who is not enrolled  
3 in an approved clinical trial;

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

6 “(iii) Items or services required solely for the clinically appropriate  
7 monitoring of the drug, device or service being tested in an approved  
8 clinical trial;

9 “(iv) Items or services that are provided solely to satisfy data col-  
10 lection and analysis needs associated with an approved clinical trial  
11 and that are not used in the direct clinical management of the mem-  
12 ber; or

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

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

18 “(a) Denying the provision of or payment for routine health care;  
19 or

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

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

27 In line 18, delete “3” and insert “6”.

28 After line 23, insert:

29 **“SECTION 7.** Section 3, chapter 575, Oregon Laws 2015, is amended to  
30 read:

1       **“Sec. 3.** No later than February 1[, 2016,] **of each year,** the Oregon  
2 Health Authority and the Department of Consumer and Business Services  
3 shall report to the Legislative Assembly, in the manner provided in ORS  
4 192.245:

5       “(1) The percentage of the medical expenses of carriers, coordinated care  
6 organizations, the Public Employees’ Benefit Board and the Oregon Educa-  
7 tors Benefit Board that is allocated to primary care; and

8       “(2) How carriers, coordinated care organizations, the Public Employees’  
9 Benefit Board and the Oregon Educators Benefit Board pay for primary care.

10       **“SECTION 8.** Section 5, chapter 575, Oregon Laws 2015, is amended to  
11 read:

12       **“Sec. 5. (1)** Sections 1, [to] **2 and 4,** [of this 2015 Act] **chapter 575,**  
13 **Oregon Laws 2015,** are repealed on December 31, 2018.

14       **“(2) Section 3, chapter 575, Oregon Laws 2015, is repealed on Janu-**  
15 **ary 2, 2020.”.**

16       In line 24, delete “4” and insert “9”.

17