

House Bill 2303

Introduced and printed pursuant to House Rule 12.00. Pre-session filed (at the request of Governor Kate Brown for Oregon Health Authority)

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**.

Modifies date by which coordinated care organization must report to Oregon Health Authority proportion of total medical costs allocated to primary care.

Removes obsolete references to Office for Oregon Health Policy and Research. Creates Health Policy and Analytics Division of Oregon Health Authority.

A BILL FOR AN ACT

1
2 Relating to health policy; amending ORS 243.061, 244.050, 442.011 and 442.120 and section 2, chapter
3 575, Oregon Laws 2015.

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

5 **SECTION 1.** Section 2, chapter 575, Oregon Laws 2015, is amended to read:

6 **Sec. 2.** (1) As used in this section:

7 (a) "Carrier" means an insurer that offers a health benefit plan, as defined in ORS 743B.005.

8 (b) "Coordinated care organization" has the meaning given that term in ORS 414.025.

9 (c) "Primary care" means family medicine, general internal medicine, naturopathic medicine,
10 obstetrics and gynecology, pediatrics or general psychiatry.

11 (d) "Primary care provider" includes:

12 (A) A physician, naturopath, nurse practitioner, physician assistant or other health professional
13 licensed or certified in this state, whose clinical practice is in the area of primary care.

14 (B) A health care team or clinic that has been certified by the Oregon Health Authority as a
15 patient centered primary care home.

16 (2) The Oregon Health Authority shall convene a primary care payment reform collaborative to
17 advise and assist the authority in developing a Primary Care Transformation Initiative to develop
18 and share best practices in technical assistance and methods of reimbursement that direct greater
19 health care resources and investments toward supporting and facilitating health care innovation and
20 care improvement in primary care. The collaborative is a governing body, as defined in ORS 192.610.

21 (3) The authority shall invite representatives from all of the following to participate in the pri-
22 mary care payment reform collaborative:

23 (a) Primary care providers;

24 (b) Health care consumers;

25 (c) Experts in primary care contracting and reimbursement;

26 (d) Independent practice associations;

27 (e) Behavioral health treatment providers;

28 (f) Third party administrators;

29 (g) Employers that offer self-insured health benefit plans;

30 (h) The Department of Consumer and Business Services;

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 (i) Carriers;
- 2 (j) A statewide organization for mental health professionals who provide primary care;
- 3 (k) A statewide organization representing federally qualified health centers;
- 4 (L) A statewide organization representing hospitals and health systems;
- 5 (m) A statewide professional association for family physicians;
- 6 (n) A statewide professional association for physicians;
- 7 (o) A statewide professional association for nurses; and
- 8 (p) The Centers for Medicare and Medicaid Services.

9 (4) The authority shall convene the primary care payment reform collaborative no later than
 10 October 1, 2015.

11 (5) A coordinated care organization shall report to the authority, no later than *[December 31,*
 12 *2015]* **October 1 of each year**, the proportion of the organization's total medical costs that are al-
 13 located to primary care.

14 (6) The authority, in collaboration with the Department of Consumer and Business Services,
 15 shall adopt rules prescribing the primary care services for which costs must be reported under
 16 subsection (5) of this section.

17 **SECTION 2.** ORS 442.011 is amended to read:

18 442.011. There is created in the Oregon Health Authority the *[Office for Oregon Health Policy*
 19 *and Research]* **Health Policy and Analytics Division**. The *[Administrator of the Office for Oregon*
 20 *Health Policy and Research]* **Director of the Health Policy and Analytics Division** shall be ap-
 21 pointed by the Director of the Oregon Health Authority. The *[administrator]* **Director of the Health**
 22 **Policy and Analytics Division** shall be an individual with demonstrated proficiency in planning and
 23 managing programs with complex public policy and fiscal aspects such as those involved in the
 24 medical assistance program.

25 **SECTION 3.** ORS 243.061 is amended to read:

26 243.061. (1) There is created in the Oregon Health Authority the Public Employees' Benefit
 27 Board consisting of at least eight voting members and two members of the Legislative Assembly as
 28 nonvoting advisory members. Two of the voting members are ex officio members and six are ap-
 29 pointed by the Governor. The voting members shall be:

30 (a) Four members representing the state as an employer and management employees, who shall
 31 be as follows:

- 32 (A) The Director of the Oregon Health Authority or a designee of the director;
- 33 *[(B) The Administrator of the Office for Oregon Health Policy and Research or a designee of the*
- 34 *administrator; and]*

35 **(B) The Director of the Health Policy and Analytics Division of the Oregon Health Au-**
 36 **thority or the director's designee; and**

37 (C) Two management employees appointed by the Governor from areas of state government
 38 other than the Oregon Health Authority *[or the Office for Oregon Health Policy and Research];* and

39 (b) Four members appointed by the Governor and representing nonmanagement representable
 40 employees, who shall be as follows:

- 41 (A) Two persons from the largest employee representative unit;
 - 42 (B) One person from the second largest employee representative unit; and
 - 43 (C) One person from representable employees not represented by employee representative units
- 44 described in subparagraphs (A) and (B) of this paragraph.

45 (2) One member of the Senate shall be appointed by the President of the Senate and one member

1 of the House of Representatives shall be appointed by the Speaker of the House to serve as non-
2 voting advisory members.

3 (3)(a) If the governing body of a local government elects to participate in a benefit plan offered
4 by the board, in addition to the members appointed under subsections (1) and (2) of this section, the
5 Governor shall appoint two voting members, one of whom represents local government management
6 and one of whom represents local government nonmanagement employees.

7 (b) After the appointment of members under paragraph (a) of this subsection, if the number of
8 eligible employees of a local government or local governments enrolled in a benefit plan or plans
9 offered by the board exceeds 25,000, the Governor shall appoint two additional voting members, one
10 of whom represents local government management and one of whom represents local government
11 nonmanagement employees.

12 (c) After the appointment of members under paragraphs (a) and (b) of this subsection, for every
13 additional 25,000 eligible employees of a local government or local governments enrolled in a benefit
14 plan or plans offered by the board, the Governor shall appoint one additional voting member repre-
15 senting local government management and one additional voting member representing local govern-
16 ment nonmanagement employees.

17 (4) A maximum of three members may be appointed to represent local government management
18 and a maximum of three members may be appointed to represent local government nonmanagement
19 employees.

20 (5) The term of office of each appointed voting member is four years, but an appointed voting
21 member serves at the pleasure of the Governor. Before the expiration of the term of a voting mem-
22 ber appointed by the Governor, the Governor shall appoint a successor to take office upon the date
23 of that expiration. A member is eligible for reappointment. If there is a vacancy for any cause, the
24 Governor shall make an appointment to become immediately effective for the unexpired term.

25 (6) The appointments by the Governor of voting members of the board are subject to confirma-
26 tion by the Senate in the manner prescribed in ORS 171.562 and 171.565.

27 (7) Members of the board who are not members of the Legislative Assembly shall receive no
28 compensation for their services, but shall be paid for their necessary and actual expenses while on
29 official business in accordance with ORS 292.495. Members of the board who are members of the
30 Legislative Assembly shall be paid compensation and expense reimbursement as provided in ORS
31 171.072, payable from funds appropriated to the Legislative Assembly.

32 (8) As used in this section, "benefit plan" and "local government" have the meanings given those
33 terms in ORS 243.105.

34 **SECTION 4.** ORS 244.050 is amended to read:

35 244.050. (1) On or before April 15 of each year the following persons shall file with the Oregon
36 Government Ethics Commission a verified statement of economic interest as required under this
37 chapter:

38 (a) The Governor, Secretary of State, State Treasurer, Attorney General, Commissioner of the
39 Bureau of Labor and Industries, district attorneys and members of the Legislative Assembly.

40 (b) Any judicial officer, including justices of the peace and municipal judges, except any pro tem
41 judicial officer who does not otherwise serve as a judicial officer.

42 (c) Any candidate for a public office designated in paragraph (a) or (b) of this subsection.

43 (d) The Deputy Attorney General.

44 (e) The Deputy Secretary of State.

45 (f) The Legislative Administrator, the Legislative Counsel, the Legislative Fiscal Officer, the

1 Secretary of the Senate and the Chief Clerk of the House of Representatives.

2 (g) The president and vice presidents, or their administrative equivalents, in each public uni-
3 versity listed in ORS 352.002.

4 (h) The following state officers:

5 (A) Adjutant General.

6 (B) Director of Agriculture.

7 (C) Manager of State Accident Insurance Fund Corporation.

8 (D) Water Resources Director.

9 (E) Director of Department of Environmental Quality.

10 (F) Director of Oregon Department of Administrative Services.

11 (G) State Fish and Wildlife Director.

12 (H) State Forester.

13 (I) State Geologist.

14 (J) Director of Human Services.

15 (K) Director of the Department of Consumer and Business Services.

16 (L) Director of the Department of State Lands.

17 (M) State Librarian.

18 (N) Administrator of Oregon Liquor Control Commission.

19 (O) Superintendent of State Police.

20 (P) Director of the Public Employees Retirement System.

21 (Q) Director of Department of Revenue.

22 (R) Director of Transportation.

23 (S) Public Utility Commissioner.

24 (T) Director of Veterans' Affairs.

25 (U) Executive director of Oregon Government Ethics Commission.

26 (V) Director of the State Department of Energy.

27 (W) Director and each assistant director of the Oregon State Lottery.

28 (X) Director of the Department of Corrections.

29 (Y) Director of the Oregon Department of Aviation.

30 (Z) Executive director of the Oregon Criminal Justice Commission.

31 (AA) Director of the Oregon Business Development Department.

32 (BB) Director of the Office of Emergency Management.

33 (CC) Director of the Employment Department.

34 (DD) Chief of staff for the Governor.

35 [(EE) *Administrator of the Office for Oregon Health Policy and Research.*]

36 [(FF)] (EE) Director of the Housing and Community Services Department.

37 [(GG)] (FF) State Court Administrator.

38 [(HH)] (GG) Director of the Department of Land Conservation and Development.

39 [(II)] (HH) Board chairperson of the Land Use Board of Appeals.

40 [(JJ)] (II) State Marine Director.

41 [(KK)] (JJ) Executive director of the Oregon Racing Commission.

42 [(LL)] (KK) State Parks and Recreation Director.

43 [(MM)] (LL) Public defense services executive director.

44 [(NN)] (MM) Chairperson of the Public Employees' Benefit Board.

45 [(OO)] (NN) Director of the Department of Public Safety Standards and Training.

- 1 [(PP)] (OO) Executive director of the Higher Education Coordinating Commission.
- 2 [(QQ)] (PP) Executive director of the Oregon Watershed Enhancement Board.
- 3 [(RR)] (QQ) Director of the Oregon Youth Authority.
- 4 [(SS)] (RR) Director of the Oregon Health Authority.
- 5 [(TT)] (SS) Deputy Superintendent of Public Instruction.
- 6 (i) The First Partner, the legal counsel, the deputy legal counsel and all policy advisors within
- 7 the Governor's office.
- 8 (j) Every elected city or county official.
- 9 (k) Every member of a city or county planning, zoning or development commission.
- 10 (L) The chief executive officer of a city or county who performs the duties of manager or prin-
- 11 cipal administrator of the city or county.
- 12 (m) Members of local government boundary commissions formed under ORS 199.410 to 199.519.
- 13 (n) Every member of a governing body of a metropolitan service district and the auditor and
- 14 executive officer thereof.
- 15 (o) Each member of the board of directors of the State Accident Insurance Fund Corporation.
- 16 (p) The chief administrative officer and the financial officer of each common and union high
- 17 school district, education service district and community college district.
- 18 (q) Every member of the following state boards and commissions:
- 19 (A) Board of Geologic and Mineral Industries.
- 20 (B) Oregon Business Development Commission.
- 21 (C) State Board of Education.
- 22 (D) Environmental Quality Commission.
- 23 (E) Fish and Wildlife Commission of the State of Oregon.
- 24 (F) State Board of Forestry.
- 25 (G) Oregon Government Ethics Commission.
- 26 (H) Oregon Health Policy Board.
- 27 (I) Oregon Investment Council.
- 28 (J) Land Conservation and Development Commission.
- 29 (K) Oregon Liquor Control Commission.
- 30 (L) Oregon Short Term Fund Board.
- 31 (M) State Marine Board.
- 32 (N) Mass transit district boards.
- 33 (O) Energy Facility Siting Council.
- 34 (P) Board of Commissioners of the Port of Portland.
- 35 (Q) Employment Relations Board.
- 36 (R) Public Employees Retirement Board.
- 37 (S) Oregon Racing Commission.
- 38 (T) Oregon Transportation Commission.
- 39 (U) Water Resources Commission.
- 40 (V) Workers' Compensation Board.
- 41 (W) Oregon Facilities Authority.
- 42 (X) Oregon State Lottery Commission.
- 43 (Y) Pacific Northwest Electric Power and Conservation Planning Council.
- 44 (Z) Columbia River Gorge Commission.
- 45 (AA) Oregon Health and Science University Board of Directors.

- 1 (BB) Capitol Planning Commission.
- 2 (CC) Higher Education Coordinating Commission.
- 3 (DD) Oregon Growth Board.
- 4 (EE) Early Learning Council.
- 5 (r) The following officers of the State Treasurer:
- 6 (A) Deputy State Treasurer.
- 7 (B) Chief of staff for the office of the State Treasurer.
- 8 (C) Director of the Investment Division.
- 9 (s) Every member of the board of commissioners of a port governed by ORS 777.005 to 777.725
- 10 or 777.915 to 777.953.
- 11 (t) Every member of the board of directors of an authority created under ORS 441.525 to 441.595.
- 12 (u) Every member of a governing board of a public university listed in ORS 352.002.
- 13 (v) Every member of the board of directors of an authority created under ORS 465.600 to
- 14 465.621.
- 15 (2) By April 15 next after the date an appointment takes effect, every appointed public official
- 16 on a board or commission listed in subsection (1) of this section shall file with the Oregon Govern-
- 17 ment Ethics Commission a statement of economic interest as required under ORS 244.060, 244.070
- 18 and 244.090.
- 19 (3) By April 15 next after the filing deadline for the primary election, each candidate described
- 20 in subsection (1) of this section shall file with the commission a statement of economic interest as
- 21 required under ORS 244.060, 244.070 and 244.090.
- 22 (4) Within 30 days after the filing deadline for the general election, each candidate described in
- 23 subsection (1) of this section who was not a candidate in the preceding primary election, or who
- 24 was nominated for public office described in subsection (1) of this section at the preceding primary
- 25 election by write-in votes, shall file with the commission a statement of economic interest as re-
- 26 quired under ORS 244.060, 244.070 and 244.090.
- 27 (5) Subsections (1) to (4) of this section apply only to persons who are incumbent, elected or
- 28 appointed public officials as of April 15 and to persons who are candidates on April 15. Subsections
- 29 (1) to (4) of this section also apply to persons who do not become candidates until 30 days after the
- 30 filing deadline for the statewide general election.
- 31 (6) If a statement required to be filed under this section has not been received by the commis-
- 32 sion within five days after the date the statement is due, the commission shall notify the public of-
- 33 ficial or candidate and give the public official or candidate not less than 15 days to comply with the
- 34 requirements of this section. If the public official or candidate fails to comply by the date set by the
- 35 commission, the commission may impose a civil penalty as provided in ORS 244.350.
- 36 **SECTION 5.** ORS 244.050, as amended by section 10, chapter 88, Oregon Laws 2016, is amended
- 37 to read:
- 38 244.050. (1) On or before April 15 of each year the following persons shall file with the Oregon
- 39 Government Ethics Commission a verified statement of economic interest as required under this
- 40 chapter:
- 41 (a) The Governor, Secretary of State, State Treasurer, Attorney General, Commissioner of the
- 42 Bureau of Labor and Industries, district attorneys and members of the Legislative Assembly.
- 43 (b) Any judicial officer, including justices of the peace and municipal judges, except any pro tem
- 44 judicial officer who does not otherwise serve as a judicial officer.
- 45 (c) Any candidate for a public office designated in paragraph (a) or (b) of this subsection.

- 1 (d) The Deputy Attorney General.
- 2 (e) The Deputy Secretary of State.
- 3 (f) The Legislative Administrator, the Legislative Counsel, the Legislative Fiscal Officer, the
 4 Legislative Policy and Research Director, the Secretary of the Senate and the Chief Clerk of the
 5 House of Representatives.
- 6 (g) The president and vice presidents, or their administrative equivalents, in each public uni-
 7 versity listed in ORS 352.002.
- 8 (h) The following state officers:
- 9 (A) Adjutant General.
- 10 (B) Director of Agriculture.
- 11 (C) Manager of State Accident Insurance Fund Corporation.
- 12 (D) Water Resources Director.
- 13 (E) Director of Department of Environmental Quality.
- 14 (F) Director of Oregon Department of Administrative Services.
- 15 (G) State Fish and Wildlife Director.
- 16 (H) State Forester.
- 17 (I) State Geologist.
- 18 (J) Director of Human Services.
- 19 (K) Director of the Department of Consumer and Business Services.
- 20 (L) Director of the Department of State Lands.
- 21 (M) State Librarian.
- 22 (N) Administrator of Oregon Liquor Control Commission.
- 23 (O) Superintendent of State Police.
- 24 (P) Director of the Public Employees Retirement System.
- 25 (Q) Director of Department of Revenue.
- 26 (R) Director of Transportation.
- 27 (S) Public Utility Commissioner.
- 28 (T) Director of Veterans' Affairs.
- 29 (U) Executive director of Oregon Government Ethics Commission.
- 30 (V) Director of the State Department of Energy.
- 31 (W) Director and each assistant director of the Oregon State Lottery.
- 32 (X) Director of the Department of Corrections.
- 33 (Y) Director of the Oregon Department of Aviation.
- 34 (Z) Executive director of the Oregon Criminal Justice Commission.
- 35 (AA) Director of the Oregon Business Development Department.
- 36 (BB) Director of the Office of Emergency Management.
- 37 (CC) Director of the Employment Department.
- 38 (DD) Chief of staff for the Governor.
- 39 *[(EE) Administrator of the Office for Oregon Health Policy and Research.]*
- 40 *[(FF)] (EE) Director of the Housing and Community Services Department.*
- 41 *[(GG)] (FF) State Court Administrator.*
- 42 *[(HH)] (GG) Director of the Department of Land Conservation and Development.*
- 43 *[(II)] (HH) Board chairperson of the Land Use Board of Appeals.*
- 44 *[(JJ)] (II) State Marine Director.*
- 45 *[(KK)] (JJ) Executive director of the Oregon Racing Commission.*

- 1 [(LL)] **(KK)** State Parks and Recreation Director.
- 2 [(MM)] **(LL)** Public defense services executive director.
- 3 [(NN)] **(MM)** Chairperson of the Public Employees' Benefit Board.
- 4 [(OO)] **(NN)** Director of the Department of Public Safety Standards and Training.
- 5 [(PP)] **(OO)** Executive director of the Higher Education Coordinating Commission.
- 6 [(QQ)] **(PP)** Executive director of the Oregon Watershed Enhancement Board.
- 7 [(RR)] **(QQ)** Director of the Oregon Youth Authority.
- 8 [(SS)] **(RR)** Director of the Oregon Health Authority.
- 9 [(TT)] **(SS)** Deputy Superintendent of Public Instruction.
- 10 (i) The First Partner, the legal counsel, the deputy legal counsel and all policy advisors within
- 11 the Governor's office.
- 12 (j) Every elected city or county official.
- 13 (k) Every member of a city or county planning, zoning or development commission.
- 14 (L) The chief executive officer of a city or county who performs the duties of manager or prin-
- 15 cipal administrator of the city or county.
- 16 (m) Members of local government boundary commissions formed under ORS 199.410 to 199.519.
- 17 (n) Every member of a governing body of a metropolitan service district and the auditor and
- 18 executive officer thereof.
- 19 (o) Each member of the board of directors of the State Accident Insurance Fund Corporation.
- 20 (p) The chief administrative officer and the financial officer of each common and union high
- 21 school district, education service district and community college district.
- 22 (q) Every member of the following state boards and commissions:
- 23 (A) Board of Geologic and Mineral Industries.
- 24 (B) Oregon Business Development Commission.
- 25 (C) State Board of Education.
- 26 (D) Environmental Quality Commission.
- 27 (E) Fish and Wildlife Commission of the State of Oregon.
- 28 (F) State Board of Forestry.
- 29 (G) Oregon Government Ethics Commission.
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- 45 (W) Oregon Facilities Authority.

- 1 (X) Oregon State Lottery Commission.
- 2 (Y) Pacific Northwest Electric Power and Conservation Planning Council.
- 3 (Z) Columbia River Gorge Commission.
- 4 (AA) Oregon Health and Science University Board of Directors.
- 5 (BB) Capitol Planning Commission.
- 6 (CC) Higher Education Coordinating Commission.
- 7 (DD) Oregon Growth Board.
- 8 (EE) Early Learning Council.
- 9 (r) The following officers of the State Treasurer:
- 10 (A) Deputy State Treasurer.
- 11 (B) Chief of staff for the office of the State Treasurer.
- 12 (C) Director of the Investment Division.
- 13 (s) Every member of the board of commissioners of a port governed by ORS 777.005 to 777.725
- 14 or 777.915 to 777.953.
- 15 (t) Every member of the board of directors of an authority created under ORS 441.525 to 441.595.
- 16 (u) Every member of a governing board of a public university listed in ORS 352.002.
- 17 (v) Every member of the board of directors of an authority created under ORS 465.600 to
- 18 465.621.
- 19 (2) By April 15 next after the date an appointment takes effect, every appointed public official
- 20 on a board or commission listed in subsection (1) of this section shall file with the Oregon Govern-
- 21 ment Ethics Commission a statement of economic interest as required under ORS 244.060, 244.070
- 22 and 244.090.
- 23 (3) By April 15 next after the filing deadline for the primary election, each candidate described
- 24 in subsection (1) of this section shall file with the commission a statement of economic interest as
- 25 required under ORS 244.060, 244.070 and 244.090.
- 26 (4) Within 30 days after the filing deadline for the general election, each candidate described in
- 27 subsection (1) of this section who was not a candidate in the preceding primary election, or who
- 28 was nominated for public office described in subsection (1) of this section at the preceding primary
- 29 election by write-in votes, shall file with the commission a statement of economic interest as re-
- 30 quired under ORS 244.060, 244.070 and 244.090.
- 31 (5) Subsections (1) to (4) of this section apply only to persons who are incumbent, elected or
- 32 appointed public officials as of April 15 and to persons who are candidates on April 15. Subsections
- 33 (1) to (4) of this section also apply to persons who do not become candidates until 30 days after the
- 34 filing deadline for the statewide general election.
- 35 (6) If a statement required to be filed under this section has not been received by the commis-
- 36 sion within five days after the date the statement is due, the commission shall notify the public of-
- 37 ficial or candidate and give the public official or candidate not less than 15 days to comply with the
- 38 requirements of this section. If the public official or candidate fails to comply by the date set by the
- 39 commission, the commission may impose a civil penalty as provided in ORS 244.350.
- 40 **SECTION 6.** ORS 442.120 is amended to read:
- 41 442.120. In order to provide data essential for health planning programs:
- 42 (1) The **Health Policy and Analytics Division of the** Oregon Health Authority may request,
- 43 by July 1 of each year, each general hospital to file with the [authority] **division** ambulatory surgery
- 44 and inpatient discharge abstract records covering all patients discharged during the preceding cal-
- 45 endar year. The ambulatory surgery and inpatient discharge abstract record for each patient must

1 include the following information, and may include other information deemed necessary by the [au-
 2 *thority*] **division** for developing or evaluating statewide health policy:

- 3 (a) Date of birth;
- 4 (b) Sex;
- 5 (c) Race and ethnicity;
- 6 (d) Primary language;
- 7 (e) Disability;
- 8 (f) Zip code;
- 9 (g) Inpatient admission date or outpatient service date;
- 10 (h) Inpatient discharge date;
- 11 (i) Type of discharge;
- 12 (j) Diagnostic related group or diagnosis;
- 13 (k) Type of procedure performed;
- 14 (L) Expected source of payment, if available;
- 15 (m) Hospital identification number; and
- 16 (n) Total hospital charges.

17 (2) By July 1 of each year, the [*authority*] **division** may request from ambulatory surgical centers
 18 licensed under ORS 441.015 ambulatory surgery discharge abstract records covering all patients
 19 admitted during the preceding year. Ambulatory surgery discharge abstract records must include
 20 information similar to that requested from general hospitals under subsection (1) of this section.

21 (3) In lieu of abstracting and compiling the records itself, the [*authority*] **division** may solicit the
 22 voluntary submission of such data from Oregon hospitals or other sources to enable [*it*] **the division**
 23 to carry out its responsibilities under this section. If such data are not available to the [*authority*]
 24 **division** on an annual and timely basis, the [*authority*] **division** may establish by rule a fee to be
 25 charged to each hospital.

26 (4) Subject to prior approval of the Oregon Health Policy Board and a report to the Emergency
 27 Board, if the Legislative Assembly is not in session, prior to adopting the fee, and within the budget
 28 authorized by the Legislative Assembly as the budget may be modified by the Emergency Board, the
 29 fee established under subsection (3) of this section may not exceed the cost of abstracting and
 30 compiling the records.

31 (5) The [*authority*] **division** may specify by rule the form in which the records are to be sub-
 32 mitted. If the form adopted by rule requires conversion from the form regularly used by a hospital,
 33 reasonable costs of such conversion shall be paid by the [*authority*] **division**.

34 (6) Abstract records must include a patient identifier that allows for the statistical matching of
 35 records over time to permit public studies of issues related to clinical practices, health service
 36 utilization and health outcomes. Provision of such a patient identifier must not allow for identifica-
 37 tion of the individual patient.

38 (7) In addition to the records required in subsection (1) of this section, the [*authority*] **division**
 39 may obtain abstract records for each patient that identify specific services, classified by Interna-
 40 tional Classification of Disease Code, for special studies on the incidence of specific health problems
 41 or diagnostic practices. However, nothing in this subsection shall authorize the publication of spe-
 42 cific data in a form that allows identification of individual patients or licensed health care profes-
 43 sionals.

44 (8) The [*authority*] **division** may provide by rule for the submission of records for enrollees in
 45 a health maintenance organization from a hospital associated with such an organization in a form

1 the [authority] **division** determines appropriate to the [authority's] **division's** needs for such data and
2 the organization's record keeping and reporting systems for charges and services.
3 _____