

Requested by HOUSE COMMITTEE ON HEALTH CARE

**PROPOSED AMENDMENTS TO
HOUSE BILL 2310**

1 On page 1 of the printed bill, line 2, after “431.115,” insert “431.122,”.

2 In line 14, delete “On or before January 1, 2017,”.

3 In line 23, restore the colon.

4 On page 2, delete lines 1 and 2 and insert:

5 “(a) Must require the implementation of ORS 431.132 (1)(a) to (i), 431.136
6 (1)(a) to (c), 431.137, 431.142 and 431.143 (1), (2) and (4) on or before June 30,
7 2019; and

8 “(b) Must require that all local public health authorities first submit lo-
9 cal plans implementing ORS 431.131 and 431.141 on or before December 31,
10 2023.”.

11 On page 3, line 40, delete “incorporation and”.

12 On page 4, delete lines 15 through 45.

13 On page 5, delete lines 1 through 39 and insert:

14 “**SECTION 4.** ORS 431.380 is amended to read:

15 “431.380. (1) From **state** moneys [*available to*] **that** the Oregon Health
16 Authority **receives** for the purpose of funding the foundational capabilities
17 established under ORS 431.131 and the foundational programs established
18 under ORS 431.141, the Oregon Health Authority shall make payments to
19 local public health authorities under this section. The Oregon Health Au-
20 thority shall each biennium submit to the **Oregon** Public Health Advisory
21 Board and the Legislative Fiscal Office a formula that provides for the eq-

1 uitable distribution of moneys. [As a part of the formula, the Oregon Health
2 Authority shall:] **The Oregon Health Authority shall incorporate into
3 the formula:**

4 “[a] *Establish a baseline amount to be invested in local public health ac-*
5 *tivities and services by the state;*]

6 **“(a) A method for distributing to local public health authorities a
7 base amount of state moneys received by the Oregon Health Authority
8 pursuant to this subsection, taking into consideration the population
9 of each local public health authority, the burden of disease borne by
10 communities located within the jurisdiction of each local public health
11 authority, the overall health status of communities located within the
12 jurisdiction of each local public health authority and the ability of
13 each local public health authority to invest in local public health ac-
14 tivities and services;**

15 **“(b) [Establish] A method for awarding matching funds to a local public
16 health authority that invests in local public health activities and services
17 above the [baseline] base amount [established by the Oregon Health Authority
18 for that local public health authority] distributed in accordance with par-
19 agraph (a) of this subsection; and**

20 **“(c) [Provide] A method for the use of incentives as described in sub-
21 section [(4)] (3) of this section.**

22 **“(2) The Oregon Health Authority shall submit the formula adopted
23 under subsection (1) of this section [must be submitted] to the Oregon Public
24 Health Advisory Board and the Legislative Fiscal Office no later than June
25 30 of each even-numbered year. At the same time that the Oregon Health
26 Authority submits the formula, the Oregon Health Authority shall
27 submit to the Oregon Public Health Advisory Board and the Legisla-
28 tive Fiscal Office an estimate of the amount of state moneys necessary
29 to fund in part or in whole the foundational capabilities established
30 under ORS 431.131 and the foundational programs established under**

1 **ORS 431.141.**

2 *“[(3) In establishing a baseline amount for the purpose of awarding*
3 *matching funds under subsection (1)(b) of this section, the Oregon Health*
4 *Authority shall consider the population of each local public health authority,*
5 *the burden of disease borne by communities located within the jurisdiction of*
6 *each local public health authority, the overall health status of communities*
7 *located within the jurisdiction of each local public health authority and the*
8 *ability of each local public health authority to invest in local public health*
9 *activities and services.]*

10 *“[(4)]* **(3)** The Oregon Health Authority shall adopt by rule incentives [*to*
11 *encourage]* **and a process for identifying, updating and applying ac-**
12 **countability metrics, for the purpose of encouraging** the effective and
13 equitable provision of public health services by local public health authori-
14 ties.

15 *“[(5) Nothing in this section prohibits the Oregon Health Authority from*
16 *distributing funds to a local public health authority through a competitive*
17 *contract or grant process or on the basis of need for applying the foundational*
18 *capabilities established under ORS 431.131 and implementing the foundational*
19 *programs established under ORS 431.141.]*

20 **“(4) Nothing in this section prohibits the Oregon Health Authority**
21 **from distributing state moneys that the Oregon Health Authority re-**
22 **ceives for the purpose of funding the foundational capabilities estab-**
23 **lished under ORS 431.131 and the foundational programs established**
24 **under ORS 431.141 to local public health authorities on an individual**
25 **basis as opposed to a statewide basis, or through a competitive grant**
26 **or contract process or on the basis of need, if the state moneys re-**
27 **ceived are insufficient to adequately fund local public health authori-**
28 **ties on a statewide basis.**

29 **“SECTION 4a. (1) Each biennium, the Oregon Health Authority**
30 **shall submit to the Legislative Fiscal Office a report on the application**

1 of the formula described in ORS 431.380, containing at a minimum:

2 “(a) A statement of the amount of state moneys that the Oregon
3 Health Authority received for the purpose of funding the foundational
4 capabilities established under ORS 431.131 and the foundational pro-
5 grams established under ORS 431.141;

6 “(b) A description of how state moneys that the Oregon Health
7 Authority received for the purpose of funding the foundational capa-
8 bilities established under ORS 431.131 and the foundational programs
9 established under ORS 431.141 were distributed to local public health
10 authorities; and

11 “(c) The level of work funded for each foundational capability and
12 each foundational program and the progress of local public health
13 authorities in meeting accountability metrics.

14 “(2) The Oregon Public Health Advisory Board shall, each biennium,
15 make recommendations to the Oregon Health Authority on the prior-
16 ities for the Oregon Health Authority and on the priorities of local
17 public health authorities for each foundational capability established
18 under ORS 431.131 and each foundational program established under
19 ORS 431.141, based on state moneys that the Oregon Health Authority
20 received for the purpose of funding the foundational capabilities es-
21 tablished under ORS 431.131 and the foundational programs established
22 under ORS 431.141.

23 “SECTION 5. ORS 431.382 is amended to read:

24 “431.382. *[If the Oregon Health Authority fails to distribute an amount of*
25 *moneys to a local public health authority equal to or in excess of the baseline*
26 *amount established under ORS 431.380 (1)(a), a local public health authority*
27 *may request to transfer responsibility for fulfilling the local public health*
28 *authority’s duties under ORS 431.001 to 431.550 and 431.990 and the other*
29 *public health laws of this state to the Oregon Health Authority. If a local*
30 *public health authority requests to transfer responsibilities under this section,*

1 *the moneys available to the local public health authority under ORS 431.380*
2 *revert to the Oregon Health Authority. A request to transfer made under this*
3 *section must be made in the form and manner prescribed by the Oregon Health*
4 *Authority and takes effect 180 days after the Oregon Health Authority receives*
5 *the request.]*

6 **“(1) If the Oregon Health Authority does not receive state moneys**
7 **in an amount that equals or exceeds the estimate that the Oregon**
8 **Health Authority submits to the Legislative Fiscal Office under ORS**
9 **431.380 (2), the governing body of the county in which a local public**
10 **health authority operates may adopt an ordinance transferring the**
11 **responsibility for fulfilling the local public health authority’s duties**
12 **under ORS 431.001 to 431.550 and 431.990 and the other public health**
13 **laws of this state to the Oregon Health Authority.**

14 **“(2) The Oregon Health Authority shall prescribe the form and**
15 **manner of informing the Oregon Health Authority that the local pub-**
16 **lic health authority has made a transfer under this section.**

17 **“(3) A transfer under this section may not take effect until 180 days**
18 **after the date on which an ordinance mandating the transfer is**
19 **adopted.**

20 **“(4) The local public health authority that makes a transfer under**
21 **this section is not eligible to receive any moneys pursuant to ORS**
22 **431.380, and the Oregon Health Authority may use the moneys to pro-**
23 **vide or to contract for the provision of public health programs and**
24 **public health activities within the local public health authority’s ju-**
25 **risdiction.**

26 **“(5) If a local public health authority makes a transfer under this**
27 **section, the Oregon Health Authority is not obligated to provide or to**
28 **contract for the provision of public health programs and public health**
29 **activities within the local public health authority’s jurisdiction.”.**

30 On page 7, after line 9, insert:

1 **“OREGON PUBLIC HEALTH ADVISORY BOARD**

2
3 **“SECTION 8a.** ORS 431.122 is amended to read:

4 “431.122. (1)(a) The Oregon Public Health Advisory Board is established
5 for the purpose of advising and making recommendations to the Oregon
6 Health Authority and the Oregon Health Policy Board. The Oregon Public
7 Health Advisory Board shall consist of:

8 “(A) [*Thirteen*] **Fourteen** members appointed by the Governor as specified
9 in paragraph (b) of this subsection;

10 “(B) The Public Health Director or the Public Health Director’s designee;

11 “(C) If the Public Health Director is not the State Health Officer, the
12 State Health Officer or a physician licensed under ORS chapter 677 acting
13 as the State Health Officer’s designee;

14 “(D) If the Public Health Director is the State Health Officer, a repre-
15 sentative from the Oregon Health Authority who is familiar with public
16 health programs and public health activities in this state; and

17 “(E) A designee of the Oregon Health Policy Board.

18 “(b) The Governor shall appoint the following individuals to the board:

19 “(A) A state employee who has technical expertise in the field of public
20 health;

21 “(B) A local public health administrator who supervises public health
22 programs and public health activities in Benton, Clackamas, Deschutes,
23 Jackson, Lane, Marion, Multnomah or Washington County;

24 “(C) A local public health administrator who supervises public health
25 programs and public health activities in Coos, Douglas, Josephine, Klamath,
26 Linn, Polk, Umatilla or Yamhill County;

27 “(D) A local public health administrator who supervises public health
28 programs and public health activities in Clatsop, Columbia, Crook, Curry,
29 Hood River, Jefferson, Lincoln, Tillamook, Union or Wasco County;

30 “(E) A local public health administrator who supervises public health

1 programs and public health activities in Baker, Gilliam, Grant, Harney,
2 Lake, Malheur, Morrow, Sherman, Wallowa or Wheeler County;

3 “(F) A local health officer who is not a local public health administrator;

4 “(G) An individual who represents the Conference of Local Health Offi-
5 cials created under ORS 431.330;

6 “**(H) An individual who is a member of, or who represents, a feder-
7 ally recognized Indian tribe in this state;**

8 “[*H*] **(I)** An individual who represents coordinated care organizations;

9 “[*I*] **(J)** An individual who represents health care organizations that are
10 not coordinated care organizations;

11 “[*J*] **(K)** An individual who represents individuals who provide public
12 health services directly to the public;

13 “[*K*] **(L)** An expert in the field of public health who has a background
14 in academia;

15 “[*L*] **(M)** An expert in population health metrics; and

16 “[*M*] **(N)** An at-large member.

17 “(2)(a) The term of office for a board member appointed under this section
18 is four years, but a member serves at the pleasure of the Governor. Before
19 the expiration of the term of a member, the Governor shall appoint a suc-
20 cessor whose term begins on January 1 next following. A member is eligible
21 for reappointment. If there is a vacancy for any cause, the Governor shall
22 make an appointment to become immediately effective for the unexpired
23 term.

24 “(b) Members of the board described in subsection (1)(a)(B) to (E) of this
25 section are nonvoting ex officio members of the board.

26 “(3) A majority of the voting members of the board constitutes a quorum
27 for the transaction of business.

28 “(4) Official action by the board requires the approval of a majority of the
29 voting members of the board.

30 “(5) The board shall elect one of its voting members to serve as chair-

1 person.

2 “(6) The board shall meet at times and places specified by the call of the
3 chairperson or of a majority of the voting members of the board.

4 “(7) The board may adopt rules necessary for the operation of the board.

5 “(8) The board may establish committees and subcommittees necessary for
6 the operation of the board.

7 “(9) Voting members of the board are entitled to compensation and ex-
8 penses as provided in ORS 292.495.”.

9 In line 23, delete “Section” and insert “Sections 4a and” and after
10 “431.115,” insert “431.122,”.

11 In line 25, delete “1 to 8” and insert “1 to 4 and 5 to 8a”.

12 In line 30, delete “section” and insert “sections 4a and”.

13 In line 31, after “431.115,” insert “431.122,”.

14 In line 32, delete “1 to 8” and insert “1 to 4 and 5 to 8a”.

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