On page 1 of the printed bill, line 2, after “ORS” delete the rest of the line and insert “414.025, 414.625 and 414.652; and”.

In line 5, delete “Section 2” and insert “Sections 2 and 3” and delete “is” and insert “are”.

Delete lines 6 and 7 and insert:

“SECTION 2. (1) As used in this section, ‘decision’ has the meaning given that term in ORS 192.610.

“(2) Meetings of a governing body of a coordinated care organization in which decisions are made final must:

“(a) Be open to the public;

“(b) Provide an opportunity for members of the public to provide written or oral testimony; and

“(c) Include the minutes or other record of the previous meeting of the governing body.

“(3) A coordinated care organization shall give public notice, reasonably calculated to give actual notice to interested persons, of the time and place for meetings described in subsection (1) of this section.

“(4) Meetings of a governing body of a coordinated care organization are not subject to ORS 192.610 to 192.690.

“(5) The governing body of a coordinated care organization shall provide for the sound, video or digital recording or the taking of written minutes of all its meetings. Neither a full transcript nor a full recording of a meeting is required but the written minutes or recording must give a true reflection of the matters discussed at the meeting and the views of the participants. All minutes or recordings must be available to the public within a reasonable time after the meeting and must include at least the following information:

“(a) All members of the governing body present;

“(b) All motions, proposals, resolutions, orders, ordinances and measures proposed and their disposition;

“(c) Unanimous votes on decisions or, if a vote is not unanimous, the results of the vote and the vote of each member by name; and

“(d) The substance of any discussion on any matter.

“(6) A coordinated care organization shall make available on its website, at a minimum, the following information:

“(a) The minutes or other record of previous meetings of the governing body of the coordinated care organization; and

“(b) Contact information for:
“(A) The chairperson of the governing body; and

“(B) A member of the governing body or a staff member of the coordinated care organization responsible for providing information to the public about the activities of the coordinated care organization.

SECTION 3. The Oregon Health Authority shall collaborate with coordinated care organizations to develop specific requirements for a coordinated care organization’s annual investments in the social determinants of health of its members. The requirements must be consistent with the requirements contained in the terms and conditions of the demonstration project approved by the Centers for Medicare and Medicaid Services regarding:

“(1) The incorporation of costs of health-related services into the development of the global budget for each coordinated care organization; and

“(2) The treatment of health-related services in the calculation of a coordinated care organization’s medical loss ratio and the reinvestment that is triggered by a coordinated care organization’s medical loss ratio.”.

In line 8, delete “3” and insert “4”.

In line 27, after “Expend” delete the rest of the line and line 28 and insert “one percent of the coordinated care organization’s global budget on investments in the social determinants of health in accordance with section 3 of this 2018 Act.”.

On page 2, delete lines 1 through 4.

In line 5, delete “spending” and insert “spend”.

On page 4, line 9, delete “4” and insert “5”.

In line 29, after “Expend” delete the rest the line 30 through 34 and insert “one percent of the coordinated care organization’s global budget on investments in the social determinants of health in accordance with section 3 of this 2018 Act.”.

In line 35, delete “spending” and insert “spend”.

On page 6, after line 38, insert:

SECTION 6. (1) The Task Force on Sustainable Funding for Services Provided by Coordinated Care Organizations is established.

“(2) The task force consists of:

“(a) Eight voting members appointed as follows:

“(A) Two members of the majority party in the Senate appointed by the President of the Senate;

“(B) Two members of the minority party in the Senate appointed by the leader of the minority party in the Senate;

“(C) Two members of the majority party in the House of Representatives appointed by the Speaker of the House of Representatives; and

“(D) Two members of the minority party in the House of Representatives appointed by the leader of the minority party in the House of Representatives; and

“(b) The following nonvoting members:

“(A) The Director of the Oregon Health Authority or an appointee of the director who is an employee of the Oregon Health Authority;

“(B) The Director of the Department of Consumer and Business Services or an appointee of the director who is an employee of the Department of Consumer and Business Services;

“(C) The Director of the Department of Revenue or an appointee of the director who is an employee of the Department of Revenue;
“(D) One member, appointed by the Governor, from a union representing employees who
are engaged in public health activities; and
“(E) Four members, appointed by the Governor, who are licensed as or employed by any
of the following health care provider types that are licensed or certified in Oregon:
“(i) Inpatient hospital services providers.
“(ii) Outpatient hospital services providers.
“(iii) Nursing facilities.
“(iv) Intermediate care facilities for individuals with intellectual disabilities.
“(v) Physicians.
“(vi) Home health care service providers.
“(vii) Providers of prescription drugs.
“(viii) Managed care organizations.
“(ix) Ambulatory surgical centers.
“(x) Dental service providers.
“(xi) Podiatrists.
“(xii) Chiropractic physicians.
“(xiii) Providers of optometric or optician services.
“(xiv) Psychologists.
“(xv) Therapists.
“(xvi) Nurses.
“(xvii) Laboratory and medical imaging service providers.
“(xviii) Emergency ambulance service providers.
“(3) The task force shall meet at least twice monthly to create a legislative concept that
will ensure a stable funding source or strategy to pay the costs of services provided by co-
ordinated care organizations to medical assistance recipients. The task force shall present
the concept to the interim committees of the Legislative Assembly related to health no later
than December 31, 2018.
“(4) A majority of the voting members of the task force constitutes a quorum for the
transaction of business.
“(5) Official action by the task force requires the approval of a majority of the voting
members of the task force.
“(6) The task force shall elect one of its members to serve as chairperson.
“(7) If there is a vacancy for any cause, the appointing authority shall make an appoint-
ment to become immediately effective.
“(8) The task force shall meet at places specified by the chairperson or by a majority of
the voting members of the task force.
“(9) The task force may adopt rules necessary for the operation of the task force.
“(10) The Oregon Health Authority shall provide staff support to the task force.
“(11) Members of the task force who are not members of the Legislative Assembly or a
state agency are entitled to compensation and reimbursement as provided in ORS 292.495.
“(12) All agencies of state government, as defined in ORS 174.111, are directed to assist
the task force in the performance of the task force’s duties and, to the extent permitted by
laws relating to confidentiality, to furnish information and advice the members of the task
force consider necessary to perform their duties.

*SECTION 7.* ORS 414.025 is amended to read:
“414.025. As used in this chapter and ORS chapters 411 and 413, unless the context or a specially applicable statutory definition requires otherwise:

“(1)(a) ‘Alternative payment methodology’ means a payment other than a fee-for-services payment, used by coordinated care organizations as compensation for the provision of integrated and coordinated health care and services.

“(b) ‘Alternative payment methodology’ includes, but is not limited to:

“(A) Shared savings arrangements;

“(B) Bundled payments; and

“(C) Payments based on episodes.

“(2) ‘Behavioral health assessment’ means an evaluation by a behavioral health clinician, in person or using telemedicine, to determine a patient’s need for immediate crisis stabilization.

“(3) ‘Behavioral health clinician’ means:

“(a) A licensed psychiatrist;

“(b) A licensed psychologist;

“(c) A certified nurse practitioner with a specialty in psychiatric mental health;

“(d) A licensed clinical social worker;

“(e) A licensed professional counselor or licensed marriage and family therapist;

“(f) A certified clinical social work associate;

“(g) An intern or resident who is working under a board-approved supervisory contract in a clinical mental health field; or

“(h) Any other clinician whose authorized scope of practice includes mental health diagnosis and treatment.

“(4) ‘Behavioral health crisis’ means a disruption in an individual’s mental or emotional stability or functioning resulting in an urgent need for immediate outpatient treatment in an emergency department or admission to a hospital to prevent a serious deterioration in the individual’s mental or physical health.

“(5) ‘Behavioral health home’ means a mental health disorder or substance use disorder treatment organization, as defined by the Oregon Health Authority by rule, that provides integrated health care to individuals whose primary diagnoses are mental health disorders or substance use disorders.

“(6) ‘Category of aid’ means assistance provided by the Oregon Supplemental Income Program, aid granted under ORS 411.877 to 411.896 and 412.001 to 412.069 or federal Supplemental Security Income payments.

“(7) ‘Community health worker’ means an individual who meets qualification criteria adopted by the authority under ORS 414.665 and who:

“(a) Has expertise or experience in public health;

“(b) Works in an urban or rural community, either for pay or as a volunteer in association with a local health care system;

“(c) To the extent practicable, shares ethnicity, language, socioeconomic status and life experiences with the residents of the community where the worker serves;

“(d) Assists members of the community to improve their health and increases the capacity of the community to meet the health care needs of its residents and achieve wellness;

“(e) Provides health education and information that is culturally appropriate to the individuals being served;

“(f) Assists community residents in receiving the care they need;
“(g) May give peer counseling and guidance on health behaviors; and
“(h) May provide direct services such as first aid or blood pressure screening.
“(8) ‘Coordinated care organization’ means an organization meeting criteria adopted by the
Oregon Health Authority under ORS 414.625.
“(9) ‘Dually eligible for Medicare and Medicaid’ means, with respect to eligibility for enrollment
in a coordinated care organization, that an individual is eligible for health services funded by Title
XIX of the Social Security Act and is:
“(a) Eligible for or enrolled in Part A of Title XVIII of the Social Security Act; or
“(b) Enrolled in Part B of Title XVIII of the Social Security Act.
“(10)(a) ‘Family support specialist’ means an individual who meets qualification criteria adopted
by the authority under ORS 414.665 and who provides supportive services to and has experience
parenting a child who:
“(A) Is a current or former consumer of mental health or addiction treatment; or
“(B) Is facing or has faced difficulties in accessing education, health and wellness services due
to a mental health or behavioral health barrier.
“(b) A ‘family support specialist’ may be a peer wellness specialist or a peer support specialist.
“(11) ‘Global budget’ means a total amount established prospectively by the Oregon Health Au-
thority to be paid to a coordinated care organization for the delivery of, management of, access to
and quality of the health care delivered to members of the coordinated care organization.
“(12) ‘Health insurance exchange’ or ‘exchange’ means an American Health Benefit Exchange
described in 42 U.S.C. 18031, 18032, 18033 and 18041.
“(13) ‘Health services’ means at least so much of each of the following as are funded by the
Legislative Assembly based upon the prioritized list of health services compiled by the Health Evi-
dence Review Commission under ORS 414.690:
“(a) Services required by federal law to be included in the state’s medical assistance program
in order for the program to qualify for federal funds;
“(b) Services provided by a physician as defined in ORS 677.010, a nurse practitioner certified
under ORS 678.375, a behavioral health clinician or other licensed practitioner within the scope of
the practitioner’s practice as defined by state law, and ambulance services;
“(c) Prescription drugs;
“(d) Laboratory and X-ray services;
“(e) Medical equipment and supplies;
“(f) Mental health services;
“(g) Chemical dependency services;
“(h) Emergency dental services;
“(i) Nonemergency dental services;
“(j) Provider services, other than services described in paragraphs (a) to (i), (k), (L) and (m) of
this subsection, defined by federal law that may be included in the state’s medical assistance pro-
gram;
“(k) Emergency hospital services;
“(L) Outpatient hospital services; and
“(m) Inpatient hospital services.
“(14) ‘Income’ has the meaning given that term in ORS 411.704.
“(15)(a) ‘Integrated health care’ means care provided to individuals and their families in a pa-
tient centered primary care home or behavioral health home by licensed primary care clinicians,
behavioral health clinicians and other care team members, working together to address one or more of the following:

"(A) Mental illness.

"(B) Substance use disorders.

"(C) Health behaviors that contribute to chronic illness.

"(D) Life stressors and crises.

"(E) Developmental risks and conditions.

"(F) Stress-related physical symptoms.

"(G) Preventive care.

"(H) Ineffective patterns of health care utilization.

"(b) As used in this subsection, 'other care team members' includes but is not limited to:

"(A) Qualified mental health professionals or qualified mental health associates meeting requirements adopted by the Oregon Health Authority by rule;

"(B) Peer wellness specialists;

"(C) Peer support specialists;

"(D) Community health workers who have completed a state-certified training program;

"(E) Personal health navigators; or

"(F) Other qualified individuals approved by the Oregon Health Authority.

"(16) 'Investments and savings' means cash, securities as defined in ORS 59.015, negotiable instruments as defined in ORS 73.0104 and such similar investments or savings as the department or the authority may establish by rule that are available to the applicant or recipient to contribute toward meeting the needs of the applicant or recipient.

"(17) 'Medical assistance' means so much of the medical, mental health, preventive, supportive, palliative and remedial care and services as may be prescribed by the authority according to the standards established pursuant to ORS 414.065, including premium assistance and payments made for services provided under an insurance or other contractual arrangement and money paid directly to the recipient for the purchase of health services and for services described in ORS 414.710.

"(18) 'Medical assistance' includes any care or services for any individual who is a patient in a medical institution or any care or services for any individual who has attained 65 years of age or is under 22 years of age, and who is a patient in a private or public institution for mental diseases. Except as provided in ORS 411.439 and 411.447, 'medical assistance' does not include care or services for a resident of a nonmedical public institution.

"(19) 'Patient centered primary care home' means a health care team or clinic that is organized in accordance with the standards established by the Oregon Health Authority under ORS 414.655 and that incorporates the following core attributes:

"(a) Access to care;

"(b) Accountability to consumers and to the community;

"(c) Comprehensive whole person care;

"(d) Continuity of care;

"(e) Coordination and integration of care; and

"(f) Person and family centered care.

"(20) 'Peer support specialist' means any of the following individuals who meet qualification criteria adopted by the authority under ORS 414.665 and who provide supportive services to a current or former consumer of mental health or addiction treatment:

"(a) An individual who is a current or former consumer of mental health treatment; or
“(b) An individual who is in recovery, as defined by the Oregon Health Authority by rule, from an addiction disorder.

“(21) ‘Peer wellness specialist’ means an individual who meets qualification criteria adopted by the authority under ORS 414.665 and who is responsible for assessing mental health and substance use disorder service and support needs of a member of a coordinated care organization through community outreach, assisting members with access to available services and resources, addressing barriers to services and providing education and information about available resources for individuals with mental health or substance use disorders in order to reduce stigma and discrimination toward consumers of mental health and substance use disorder services and to assist the member in creating and maintaining recovery, health and wellness.

“(22) ‘Person centered care’ means care that:

“(a) Reflects the individual patient’s strengths and preferences;

“(b) Reflects the clinical needs of the patient as identified through an individualized assessment;

“(c) Is based upon the patient’s goals and will assist the patient in achieving the goals.

“(23) ‘Personal health navigator’ means an individual who meets qualification criteria adopted by the authority under ORS 414.665 and who provides information, assistance, tools and support to enable a patient to make the best health care decisions in the patient’s particular circumstances and in light of the patient’s needs, lifestyle, combination of conditions and desired outcomes.

“(24) ‘Prepaid managed care health services organization’ means a managed dental care, mental health or chemical dependency organization that contracts with the authority under ORS 414.654 or with a coordinated care organization on a prepaid capitated basis to provide health services to medical assistance recipients.

“(25) ‘Quality measure’ means the health outcome and quality measures and benchmarks identified by the Health Plan Quality Metrics Committee and the metrics and scoring subcommittee in accordance with ORS 413.017 (4) and 414.638.

“(26) ‘Resources’ has the meaning given that term in ORS 411.704. For eligibility purposes, ‘resources’ does not include charitable contributions raised by a community to assist with medical expenses.

“(27) ‘Social determinants of health’ means the conditions into which individuals are born and in which individuals grow, live, work and age, including but not limited to:

“(a) Housing;

“(b) Education;

“(c) Criminal justice;

“(d) Employment opportunities;

“(e) Neighborhood environment; and

“(f) Transportation.

“(27)(a) (28)(a) ‘Youth support specialist’ means an individual who meets qualification criteria adopted by the authority under ORS 414.665 and who, based on a similar life experience, provides supportive services to an individual who:

“(A) Is not older than 30 years of age; and

“(B)(i) Is a current or former consumer of mental health or addiction treatment; or

“(ii) Is facing or has faced difficulties in accessing education, health and wellness services due to a mental health or behavioral health barrier.

“(b) A ‘youth support specialist’ may be a peer wellness specialist or a peer support specialist.
SECTION 8. Section 6 of this 2018 Act is repealed on December 31, 2019.

SECTION 9. ORS 414.652 is amended to read:

414.652. (1) As used in this section:

(a) ‘Benefit period’ means a period of time, shorter than the five-year contract term, for which specific terms and conditions in a contract between a coordinated care organization and the Oregon Health Authority are in effect.

(b) ‘Renew’ means an agreement by a coordinated care organization to amend the terms or conditions of an existing contract for the next benefit period.

[(1)] (2) A contract entered into between the [Oregon Health] authority and a coordinated care organization under ORS 414.625 (1):

(a) Shall be for a term of five years;

(b) Except as provided in subsection [(3)] (4) of this section, may not be amended more than once in each 12-month period; and

(c) May be terminated by the authority if a coordinated care organization fails to meet outcome and quality measures specified in the contract or is otherwise in breach of the contract.

[(2)] (3) This section does not prohibit the authority from allowing a coordinated care organization a reasonable amount of time in which to cure any failure to meet outcome and quality measures specified in the contract prior to the termination of the contract.

[(3)] (4) A contract entered into between the authority and a coordinated care organization may be amended more than once in each 12-month period if:

(a) The authority and the coordinated care organization mutually agree to amend the contract; or

(b) Amendments are necessitated by changes in federal or state law.

[(4)] (5) Except as provided in subsection (7) of this section, the authority must give a coordinated care organization at least 60 days’ advance notice of any amendments the authority proposes to existing contracts between the authority and the coordinated care organization[, or to contracts to be renewed, including the global budget paid to the coordinated care organization under the contract].

[(5)] (6) An amendment to a contract may apply retroactively only if:

(a) The amendment does not result in a claim by the authority for the recovery of amounts paid by the authority to the coordinated care organization prior to the date of the amendment; or

(b) The Centers for Medicare and Medicaid Services notifies the authority, in writing, that the amendment is a condition for approval of the contract by the Centers for Medicare and Medicaid Services.

(7) No later than 134 days prior to the end of a benefit period, the authority shall provide to each coordinated care organization notice of the proposed changes to the terms and conditions of a contract, as will be submitted to the Centers for Medicare and Medicaid Services for approval, for the next benefit period.

(8) A coordinated care organization must notify the authority of the coordinated care organization’s refusal to renew a contract with the authority no later than 14 days after the authority provides the notice described in subsection (7) of this section. Except as provided in subsections (9) and (10) of this section, a refusal to renew terminates the contract at the end of the benefit period.

(9) The authority may require a contract to remain in force into the next benefit period and be amended as proposed by the authority until 90 days after the coordinated care or-
organization has, in accordance with criteria prescribed by the authority:

“(a) Notified each of its members and contracted providers of the termination of the
contract;

“(b) Provided to the authority a plan to transition its members to another coordinated
care organization; and

“(c) Provided to the authority a plan for closing out its coordinated care organization
business.

“(10) The authority may waive compliance with the deadlines in subsections (8) and (9)
of this section if the Director of the Oregon Health Authority finds that the waiver of the
deadlines is consistent with the effective and efficient administration of the medical assistance
program and the protection of medical assistance recipients.”.

In line 39, delete “5” and insert “10”.

/s/ Denyc Boles
Representative

/s/ Knute Buehler
Representative

/s/ Cedric Hayden
Representative

/s/ Bill Kennemer
Representative