

HB 4143-1
(LC 247)
2/2/18 (SCT/ps)

Requested by HOUSE COMMITTEE ON HEALTH CARE (at the request of Governor Kate Brown)

**PROPOSED AMENDMENTS TO
HOUSE BILL 4143**

1 On page 1 of the printed bill, delete lines 4 through 26 and delete pages
2 2 and 3 and insert:

3 **“SECTION 1. (1) The Director of the Department of Consumer and**
4 **Business Services, in consultation with the Oregon Health Authority,**
5 **shall study and report on existing barriers to effective treatment for**
6 **and recovery from substance use disorders, including addictions to**
7 **opioids and opiates, that are a result of current structures of payment**
8 **for treatment and recovery services in both publicly and privately**
9 **funded health systems in Oregon. The report must including findings**
10 **on:**

11 **“(a) The impact of reimbursement systems, rules and requirements**
12 **established by coordinated care organizations and third-party payers**
13 **on access to treatment and recovery services for substance use disor-**
14 **ders, including access to evidence-based treatment and medication-**
15 **assisted treatment;**

16 **“(b) Existing structures for reimbursement of substance use disor-**
17 **der treatment, including the use of the least costly treatment option**
18 **before any other treatment options;**

19 **“(c) The classification of substance use disorder as an acute illness**
20 **rather than a chronic illness;**

21 **“(d) Access to medication-assisted treatment for substance use dis-**

1 orders in rural and underserved areas of this state; and

2 “(e) Substance use disorder treatment options other than
3 medication-assisted treatment.

4 “(2) The director, in consultation with the Department of Cor-
5 rections, shall study the ease of and barriers to access to medication-
6 assisted treatment for individuals entering into and leaving custody
7 of the Department of Corrections, and shall include findings from the
8 study described in this subsection in the report described in subsection
9 (1) of this section.

10 “(3) The director shall submit the report described in subsection (1)
11 of this section in the manner provided in ORS 192.245, and shall in-
12 clude recommendations for legislation, to an interim committee of the
13 Legislative Assembly related to public health not later than June 30,
14 2018.

15 “SECTION 2. Section 1 of this 2018 Act is repealed on January 2,
16 2019.

17 “SECTION 3. (1) The Oregon Health Authority shall establish a pilot
18 project for the purpose of determining the effectiveness of establishing
19 immediate access to appropriate evidence-based treatment for persons
20 who suffer opioid and opiate overdoses. The pilot project may include:

21 “(a) Creating a direct link between an emergency department and
22 appropriate treatment and resources, including the availability of
23 medication-assisted treatment in the emergency department;

24 “(b) Using peer recovery support mentors to facilitate the link be-
25 tween an emergency department and appropriate treatment and re-
26 sources; and

27 “(c) Any other programming aimed at reducing deaths caused by
28 opioid and opiate overdoses by providing persons who suffer opioid and
29 opiate overdoses with immediate access to appropriate treatment and
30 resources.

1 “(2) The authority shall implement the pilot project in Coos,
2 Jackson, Marion and Multnomah Counties.

3 “(3) At least twice each year, the counties listed in subsection (2)
4 of this section shall report to each other and the authority regarding
5 the pilot project. The counties and the authority may jointly deter-
6 mine the form and content of the reporting required under this sub-
7 section.

8 “(4) Not later than December 31 of each year, the authority shall
9 submit, in the manner provided in ORS 192.245, a report on the efficacy
10 and implementation of the pilot project described in this section, and
11 may include any recommendations for legislation, to an interim com-
12 mittee of the Legislative Assembly related to public health.

13 “(5) The authority may adopt rules to carry out this section.

14 “SECTION 4. There is appropriated to the Oregon Health Authority,
15 out of the General Fund, the amount of \$2,000,000 for the purpose of
16 carrying out the provisions of section 3 of this 2018 Act. This appro-
17 priation is available continuously until the earlier of the date on which
18 the amount is expended for the purpose specified in this section or
19 January 2, 2021.

20 “SECTION 5. Section 3 of this 2018 Act is repealed on January 2,
21 2021.

22 “SECTION 6. Section 7 of this 2018 Act is added to and made a part
23 of ORS 431A.855 to 431A.900.

24 “SECTION 7. (1) In order to ensure the development, administration
25 and evaluation of best practices for prescribing opioids and opiates, a
26 practitioner shall register with the electronic system established under
27 ORS 431A.855.

28 “(2) The Oregon Health Authority may adopt rules to administer
29 this section.

30 “SECTION 8. ORS 431A.855 is amended to read:

1 “431A.855. (1)(a) The Oregon Health Authority, in consultation with the
2 Prescription Monitoring Program Advisory Commission, shall establish and
3 maintain a prescription monitoring program for monitoring and reporting:

4 “(A) Prescription drugs dispensed by pharmacies licensed by the State
5 Board of Pharmacy that are classified in schedules II through IV under the
6 federal Controlled Substances Act, 21 U.S.C. 811 and 812, as modified by the
7 board by rule under ORS 475.035; and

8 “(B) Prescribed naloxone dispensed by pharmacies.

9 “(b)(A) To fulfill the requirements of this subsection, the authority shall
10 establish, maintain and operate an electronic system to monitor and report
11 drugs described in paragraph (a) of this subsection that are dispensed by
12 prescription.

13 “(B) The electronic system must:

14 “(i) Operate and be accessible by practitioners and pharmacies 24 hours
15 a day, seven days a week; **and**

16 “(ii) **Allow practitioners to register as required under section 7 of**
17 **this 2018 Act and to apply for access to the electronic system in ac-**
18 **cordance with rules adopted by the authority under subsection (2) of**
19 **this section.**

20 “(C) The authority may contract with a state agency or private entity to
21 ensure the effective operation of the electronic system.

22 “(2) In consultation with the commission, the authority shall adopt rules
23 for the operation of the electronic prescription monitoring program estab-
24 lished under subsection (1) of this section, including standards for:

25 “(a) Reporting data;

26 “(b) Providing maintenance, security and disclosure of data;

27 “(c) Ensuring accuracy and completeness of data;

28 “(d) Complying with the federal Health Insurance Portability and Ac-
29 countability Act of 1996 (P.L. 104-191) and regulations adopted under that
30 law, including 45 C.F.R. parts 160 and 164, federal alcohol and drug treat-

1 ment confidentiality laws and regulations adopted under those laws, includ-
2 ing 42 C.F.R. part 2, and state health and mental health confidentiality laws,
3 including ORS 179.505, 192.517 and 192.553 to 192.581;

4 “(e) Ensuring accurate identification of persons or entities requesting in-
5 formation from the database;

6 “(f) Accepting printed or nonelectronic reports from pharmacies that do
7 not have the capability to provide electronic reports; [*and*]

8 “(g) Notifying a patient, before or when a drug classified in schedules II
9 through IV is dispensed to the patient, about the prescription monitoring
10 program and the entry of the prescription in the electronic system; **and**

11 **“(h) Registering practitioners with the electronic system.**

12 “(3) The authority shall submit an annual report to the commission re-
13 garding the prescription monitoring program established under this section.

14 **“SECTION 9. (1) Section 3 of this 2018 Act becomes operative on**
15 **January 1, 2019.**

16 **“(2) The Oregon Health Authority may take any action before the**
17 **operative date specified in subsection (1) of this section that is neces-**
18 **sary to enable the authority to exercise, on and after the operative**
19 **date specified in subsection (1) of this section, all of the duties, func-**
20 **tions and powers conferred on the authority by section 3 of this 2018**
21 **Act.**

22 **“SECTION 10. (1) A practitioner shall register as required by section**
23 **7 of this 2018 Act not later than July 1, 2018.**

24 **“(2) Subsection (1) of this section applies to a person who:**

25 **“(a) Is a practitioner on the effective date of this 2018 Act; or**

26 **“(b) Becomes a practitioner before July 1, 2018.**

27 **“SECTION 11. This 2018 Act being necessary for the immediate**
28 **preservation of the public peace, health and safety, an emergency is**
29 **declared to exist, and this 2018 Act takes effect on its passage.”.**

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