

A-Engrossed
Senate Bill 1027

Ordered by the House May 30
Including House Amendments dated May 30

Sponsored by Senator MONNES ANDERSON, Representative WILDE; Representatives HAYDEN, NOBLE

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.

Allows certain health care practitioner who receives needlestick injury during provision of medical care to patient who is unconscious or otherwise unable to consent to [*test patient for human immunodeficiency virus*] **perform blood draw on patient** for purpose of determining [*necessary course of treatment for*] **whether** health care practitioner **needs to begin any post-exposure prophylactic treatment.**

Takes effect on 91st day following adjournment sine die.

A BILL FOR AN ACT

1
2 Relating to health care practitioners; and prescribing an effective date.

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

4 **SECTION 1. (1) As used in this section:**

5 (a) **“Health care practitioner” means a person who provides medical care in an emer-**
6 **gency setting and who is:**

7 (A) **An emergency medical services provider licensed under ORS chapter 682;**

8 (B) **A physician licensed under ORS chapter 677; or**

9 (C) **A nurse licensed under ORS 678.010 to 678.410.**

10 (b) **“Needlestick injury” means a wound caused by a needle puncturing the skin.**

11 (2) **Notwithstanding ORS 431A.570, a health care practitioner who receives a needlestick**
12 **injury during the treatment of a patient who is unconscious or otherwise unable to consent**
13 **may, in compliance with this section, perform a blood draw on the patient for the purpose**
14 **of testing the blood to determine whether the health care practitioner needs to begin im-**
15 **mediate post-exposure prophylactic treatment that may include the administration of**
16 **medications to the health care practitioner.**

17 (3) **A blood draw described in subsection (2) of this section may be performed if:**

18 (a) **The patient is not expected to regain consciousness or the ability to consent in the**
19 **amount of time necessary for the health care practitioner to receive appropriate medical**
20 **treatment;**

21 (b) **There is no other person immediately available who is able to consent on behalf of the**
22 **patient; and**

23 (c) **The health care practitioner will benefit medically from knowing the results of a test**
24 **described under subsection (2) of this section.**

25 (4) **A test performed under this section must be anonymous.**

26 (5) **The patient, or patient's legal guardian, must be informed of the blood draw and the**

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 test results.

2 (6) The results of a test described in subsection (2) of this section may not be:

3 (a) Made available to law enforcement agencies;

4 (b) Made available to any person other than the health care practitioner, the individual
5 who performs the test and the patient or the patient's legal guardian; or

6 (c) Included in the medical record of the health care practitioner or the patient.

7 (7) The patient, or the patient's health insurer, may not be charged for the cost of per-
8 forming a test under this section.

9 (8) The Oregon Health Authority may adopt rules to carry out this section.

10 **SECTION 2.** (1) Section 1 of this 2019 Act becomes operative on January 1, 2020.

11 (2) The Oregon Health Authority may take any action before the operative date specified
12 in subsection (1) of this section that is necessary to enable the authority to exercise, on and
13 after the operative date specified in subsection (1) of this section, all of the duties, functions
14 and powers conferred on the authority by section 1 of this 2019 Act.

15 **SECTION 3.** This 2019 Act takes effect on the 91st day after the date on which the 2019
16 regular session of the Eightieth Legislative Assembly adjourns sine die.

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