

Enrolled
Senate Bill 1027

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

CHAPTER

AN ACT

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

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

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

(a) "Health care practitioner" means a person who provides medical care in an emergency setting and who is:

- (A) An emergency medical services provider licensed under ORS chapter 682;
- (B) A physician licensed under ORS chapter 677; or
- (C) A nurse licensed under ORS 678.010 to 678.410.

(b) "Needlestick injury" means a wound caused by a needle puncturing the skin.

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

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

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

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

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

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

(5) The patient, or patient's legal guardian, must be informed of the blood draw and the test results.

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

- (a) Made available to law enforcement agencies;
- (b) Made available to any person other than the health care practitioner, the individual who performs the test and the patient or the patient's legal guardian; or
- (c) Included in the medical record of the health care practitioner or the patient.

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

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

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

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

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

Passed by Senate April 24, 2019

Received by Governor:

Repassed by Senate June 10, 2019

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Approved:

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Lori L. Brocker, Secretary of Senate

.....M,....., 2019

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Peter Courtney, President of Senate

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Kate Brown, Governor

Passed by House June 4, 2019

Filed in Office of Secretary of State:

.....M,....., 2019

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Tina Kotek, Speaker of House

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Bev Clarno, Secretary of State