

SB 64-A2
(LC 531)
5/7/19 (SCT/ps)

Requested by HOUSE COMMITTEE ON HEALTH CARE (at the request of Representative Andrea Salinas)

**PROPOSED AMENDMENTS TO
A-ENGROSSED SENATE BILL 64
(INCLUDING AMENDMENTS TO RESOLVE CONFLICTS)**

1 On page 4 of the printed A-engrossed bill, after line 32, insert:

2 **“SECTION 5a. If Senate Bill 16 becomes law, section 5 of this 2019**
3 **Act (amending ORS 343.146) is repealed.”.**

4 On page 21, after line 33, insert:

5 **“SECTION 15a. If Senate Bill 127 becomes law, section 15 of this 2019**
6 **Act (amending ORS 441.098) is repealed and ORS 441.098, as amended**
7 **by section 2, chapter __, Oregon Laws 2019 (Enrolled Senate Bill 127),**
8 **is amended to read:**

9 “441.098. (1) As used in this section and ORS 441.099 and 441.991:

10 “(a) ‘Facility’ means a hospital, outpatient clinic owned by a hospital,
11 ambulatory surgical center, freestanding birthing center or facility that re-
12 ceives Medicare reimbursement as an independent diagnostic testing facility.

13 “(b) ‘Financial interest’ means a five percent or greater direct or indirect
14 ownership interest.

15 “(c)(A) ‘Health practitioner’ means a physician, naturopathic physician
16 licensed under ORS chapter 685, dentist, direct entry midwife, [*licensed reg-*
17 *istered nurse who is certified by the Oregon State Board of Nursing as a nurse*
18 *practitioner specializing in nurse midwifery, certified nurse practitioner,*] li-
19 censed physician assistant or medical imaging licensee under ORS 688.405 to
20 **688.605 or a nurse practitioner or nurse practitioner specializing in**

1 **nurse midwifery licensed under ORS chapter 678.**

2 “(B) ‘Health practitioner’ does not include a provider in a health main-
3 tenance organization as defined in ORS 750.005.

4 “(d) ‘Physician’ has the meaning given that term in ORS 677.010.

5 “(2) A health practitioner’s decision to refer a patient to a facility for a
6 diagnostic test or health care treatment or service shall be based on the
7 patient’s clinical needs and personal health choices.

8 “(3) If a health practitioner refers a patient for a diagnostic test or health
9 care treatment or service at a facility in which the health practitioner or
10 an immediate family member of the health practitioner has a financial in-
11 terest, the health practitioner or the practitioner’s designee shall inform the
12 patient orally and in writing of that interest at the time of the referral.

13 “(4)(a) If a health practitioner refers a patient to a facility for a diag-
14 nostic test or health care treatment or service, the health practitioner or the
15 practitioner’s designee shall inform the patient, in the form and manner
16 prescribed by the Oregon Health Authority by rule, that:

17 “(A) The patient may receive the test, treatment or service at a different
18 facility of the patient’s choice; and

19 “(B) If the patient chooses a different facility, the patient should contact
20 the patient’s insurer regarding the extent of coverage or the limitations on
21 coverage for the test, treatment or service at the facility chosen by the pa-
22 tient.

23 “(b) Rules concerning the form and manner for informing a patient as
24 required by this subsection shall:

25 “(A) Be designed to ensure that the information is conveyed in a timely
26 and meaningful manner;

27 “(B) Be administratively simple; and

28 “(C) Accommodate a provider’s adoption and use of electronic health re-
29 cord systems.

30 “(5) A health practitioner may not deny, limit or withdraw a referral to

1 a facility solely for the reason that the patient chooses to obtain the test,
2 treatment or service from a different facility.

3 “(6) The authority may not impose additional restrictions or limitations
4 on any referral described in this section that are in addition to the require-
5 ments specified in subsections (3) and (4) of this section.

6 “(7) In obtaining informed consent for a diagnostic test or health care
7 treatment or service that will take place at a facility, a health practitioner
8 shall disclose the manner in which care will be provided in the event that
9 complications occur that require health services beyond what the facility has
10 the capability to provide.

11 “(8) Subsections (3) to (5) of this section do not apply to a referral for a
12 diagnostic test or health care treatment or service:

13 “(a) For a patient who is receiving inpatient hospital services or services
14 in an emergency department if the referral is for a diagnostic test or health
15 care treatment or service to be performed while the patient is in the hospital
16 or emergency department;

17 “(b) Made to a particular facility after the initial referral of the patient
18 to that facility; or

19 “(c) Made by the facility or provider to whom a patient was referred.”.

20 On page 29, after line 10, insert:

21 **“SECTION 25a. If Senate Bill 66 becomes law, section 25 of this 2019**
22 **Act (amending ORS 678.040) is repealed and ORS 678.040, as amended**
23 **by section 1, chapter ___, Oregon Laws 2019 (Enrolled Senate Bill 66),**
24 **is amended to read:**

25 “678.040. An applicant for a license under ORS 678.010 to 678.448 shall
26 provide to the Oregon State Board of Nursing satisfactory evidence that the
27 applicant’s physical and mental health is such that it is safe for the appli-
28 cant to practice, and that:

29 “(1) The applicant has graduated:

30 “(a) From a registered nurse or licensed practical nurse nursing education

1 program [*accredited*] **approved** by the Oregon State Board of Nursing;

2 “(b) From a nursing program in the United States that:

3 “(A) Is accredited **or approved** by the licensing board for nurses in a
4 particular state or United States territory and approved by the Oregon State
5 Board of Nursing; or

6 “(B) If the licensing board is not the accrediting **or approval** agency in
7 that state or United States territory, is accredited **or approved** by the ap-
8 propriate [*accrediting*] agency for that state or United States territory and
9 approved by the Oregon State Board of Nursing;

10 “(c) In another country and has an education equivalent to that provided
11 by accredited **or approved** programs in this country; or

12 “(d) From a military training program that the board specifies by rule to
13 be qualified as a nursing education program for a licensed practical nurse;
14 or

15 “(2) If the applicant is an applicant for licensure by indorsement, the ap-
16 plicant has been licensed as a licensed practical nurse in another state or
17 territory of the United States based upon recognition of the applicant’s mil-
18 itary education.”.

19 On page 49, after line 18, insert:

20 “**SECTION 51a.** If Senate Bill 16 becomes law, section 51 of this 2019
21 Act is amended to read:

22 “**Sec. 51.** (1) The amendments to ORS 336.479, 336.485, 342.475, [~~343.146,~~
23 414.025, 414.625, 417.875, 426.005, 430.010, 438.010, 441.064, 441.098, 475.005,
24 496.018, 659A.150, 676.115, 676.340, 678.010, 678.023, 678.031, 678.040, 678.050,
25 678.101, 678.111, 678.113, 678.123, 678.150, 678.285, 678.340, 678.360, 678.370,
26 678.372, 678.375, 678.380, 678.390, 678.410, 743A.012, 743A.036, 807.240, 811.604
27 and 811.611 and section 3, chapter 297, Oregon Laws 2013, section 1, chapter
28 694, Oregon Laws 2017, section 1, chapter 63, Oregon Laws 2018, and sections
29 3 and 4, chapter 121, Oregon Laws 2018, by sections 1, 2, 4 to 9 and 11 to 50
30 of this 2019 Act become operative on January 1, 2020.

1 “(2) The Oregon State Board of Nursing may take any action before the
2 operative date specified in subsection (1) of this section that is necessary to
3 enable the board to exercise, on and after the operative date specified in
4 subsection (1) of this section, all of the duties, functions and powers con-
5 ferred on the board by the amendments to ORS 336.479, 336.485, 342.475,
6 [343.146,] 414.025, 414.625, 417.875, 426.005, 430.010, 438.010, 441.064, 441.098,
7 475.005, 496.018, 659A.150, 676.115, 676.340, 678.010, 678.023, 678.031, 678.040,
8 678.050, 678.101, 678.111, 678.113, 678.123, 678.150, 678.285, 678.340, 678.360,
9 678.370, 678.372, 678.375, 678.380, 678.390, 678.410, 743A.012, 743A.036, 807.240,
10 811.604 and 811.611 and section 3, chapter 297, Oregon Laws 2013, section 1,
11 chapter 694, Oregon Laws 2017, section 1, chapter 63, Oregon Laws 2018, and
12 sections 3 and 4, chapter 121, Oregon Laws 2018, by sections 1, 2, 4 to 9 and
13 11 to 50 of this 2019 Act.”.

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