

At the request of Oregon Health Care Association

**PROPOSED AMENDMENTS TO  
A-ENGROSSED HOUSE BILL 4016**

1 On page 1 of the printed A-engrossed bill, line 2, after “ORS” insert  
2 “443.001.”.

3 After line 4, insert:

4  
5 **“ESTHETICS”.**  
6

7 On page 5, delete lines 7 and 8 and insert:

8  
9 **“SENIOR EMERGENCY MEDICAL SERVICES**

10  
11 **“SECTION 6. (1) As used in this section:**

12 **“(a) ‘Long term care facility’ has the meaning given that term in**  
13 **ORS 442.015.**

14 **“(b) ‘Residential care facility’ has the meaning given that term in**  
15 **ORS 443.400.**

16 **“(c) ‘Senior emergency medical services’ means services provided**  
17 **by an emergency medical services provider, as defined in ORS 682.025,**  
18 **to residents of a long term care facility or residential care facility.**

19 **“(2)(a) The Senior Emergency Medical Services Innovation Program**  
20 **is established in the Department of Human Services. The purpose of**  
21 **the program is to select, provide funding to and monitor local public**

1 sector pilot projects that:

2 “(A) Provide innovative strategies for addressing the emergency  
3 medical services needs of this state’s increasing number of aging res-  
4 idents who receive care and services in residential care facilities and  
5 long term care facilities;

6 “(B) Encourage the efficient and appropriate use of senior emer-  
7 gency medical services;

8 “(C) Reduce the overall costs of senior emergency medical services  
9 while promoting quality emergency medical services; and

10 “(D) Encourage unique community-based responses to challenges  
11 faced by local communities in meeting their residents’ needs for senior  
12 emergency medical services.

13 “(b) The department shall provide funding to a pilot project de-  
14 scribed in this subsection from moneys deposited in the Quality Care  
15 Fund established under ORS 443.001.

16 “(3) The Senior Emergency Medical Services Advisory Council is  
17 established consisting of the following eight members appointed by the  
18 Governor:

19 “(a) One member representing long term care facilities;

20 “(b) One member representing residential care facilities;

21 “(c) One member who is a nurse or clinician in a long term care  
22 facility or a residential care facility;

23 “(d) One member representing an urban or suburban fire depart-  
24 ment or a city fire department that provides emergency medical ser-  
25 vices;

26 “(e) One member representing a rural fire protection district or-  
27 ganized under ORS chapter 478;

28 “(f) One member who enters into agreements with a public sector  
29 entity to provide emergency medical services;

30 “(g) One member who is a physician licensed under ORS chapter

1 **677 or other health care practitioner with expertise in emergency**  
2 **medical services; and**

3 **“(h) One member representing the Oregon Health Authority who**  
4 **has expertise in emergency medical services and trauma response.**

5 **“(4) The council shall advise and make recommendations to the**  
6 **Department of Human Services on:**

7 **“(a) Minimum standards and data reporting requirements for pilot**  
8 **projects funded through the program;**

9 **“(b) The application process and timelines for the consideration of**  
10 **applications for funding of pilot projects;**

11 **“(c) The criteria for the selection of pilot projects to participate in**  
12 **the program; and**

13 **“(d) Other factors identified by the council as likely to facilitate**  
14 **successful pilot projects.**

15 **“(5) A majority of the members of the council constitutes a quorum**  
16 **for the transaction of business.**

17 **“(6) Official action by the council requires the approval of a ma-**  
18 **jority of the members of the council.**

19 **“(7) The council shall elect one of its members to serve as chair-**  
20 **person.**

21 **“(8) If there is a vacancy for any cause, the Governor shall make**  
22 **an appointment to become immediately effective.**

23 **“(9) The council shall meet at times and places specified by the call**  
24 **of the chairperson or of a majority of the members of the council.**

25 **“(10) The council may adopt rules necessary for the operation of the**  
26 **council.**

27 **“(11) The department shall submit a report, in the manner provided**  
28 **in ORS 192.245, on the pilot projects selected for the program, the**  
29 **success achieved by each pilot project in meeting the goals of the**  
30 **program described in subsection (2) of this section and any recom-**

1 **mendations for legislative changes necessary to improve the emer-**  
2 **gency services provided throughout this state.**

3 **“(12) The department shall submit the report described in sub-**  
4 **section (11) of this section to the authority for consideration and re-**  
5 **view prior to submitting the report as described in subsection (11) of**  
6 **this section.**

7 **“(13) The department shall provide staff support to the council.**

8 **“(14) Members of the council are not entitled to compensation or**  
9 **reimbursement for expenses and serve as volunteers on the council.**

10 **“(15) All agencies of state government, as defined in ORS 174.111,**  
11 **are directed to assist the council in the performance of the duties of**  
12 **the council and, to the extent permitted by laws relating to**  
13 **confidentiality, to furnish information and advice the members of the**  
14 **council consider necessary to perform their duties.**

15 **“SECTION 7. (1) As used in this section:**

16 **“(a) ‘Emergency medical services provider’ has the meaning given**  
17 **that term in ORS 682.025.**

18 **“(b) ‘Local government’ has the meaning given that term in ORS**  
19 **174.116.**

20 **“(c) ‘Long term care facility’ has the meaning given that term in**  
21 **ORS 442.015.**

22 **“(d) ‘Residential care facility’ has the meaning given that term in**  
23 **ORS 443.400.**

24 **“(2) The governing body of a local government may not enact or**  
25 **enforce any charter provision, ordinance, resolution or other regu-**  
26 **lation that:**

27 **“(a) Regulates the care or service and support needs of a patient**  
28 **or resident of a long term care facility or residential care facility that**  
29 **is subject to regulation by the Department of Human Services under**  
30 **state or federal law, or pursuant to rules adopted by the department;**

1 or

2 “(b) Imposes fees or other requirements that apply exclusively to  
3 long term care facilities or residential care facilities and are not gen-  
4 erally applicable to business entities operating within the jurisdiction  
5 of the local government.

6 “(3) Subsection (2) of this section does not apply to:

7 “(a) Local government authority provided by state law, including  
8 but not limited to a local public health authority; or

9 “(b) Laws that impose a fine, fee, charge or sanction against long  
10 term care facilities or residential care facilities that contact an emer-  
11 gency medical services provider to provide lift assist services to a  
12 resident who has fallen and who the long term care facility or resi-  
13 dential care facility knows, or reasonably should have known, does not  
14 require the services of an emergency medical services provider.

15 “SECTION 8. ORS 443.001 is amended to read:

16 “443.001. The Quality Care Fund is established in the State Treasury,  
17 separate and distinct from the General Fund. Interest earned by the Quality  
18 Care Fund shall be credited to the Quality Care Fund. Moneys in the fund  
19 are continuously appropriated to the Department of Human Services and the  
20 Oregon Health Authority for:

21 “(1) Training, technical assistance, quality improvement initiatives and  
22 licensing activities to ensure that high standards for quality of care are met  
23 in accordance with rules adopted with respect to:

24 “[1] (a) A long term care facility as defined in ORS 442.015;

25 “[2] (b) A residential facility as defined in ORS 443.400, including but  
26 not limited to an assisted living facility; and

27 “[3] (c) An adult foster home as defined in ORS 443.705[.]; and

28 “(2) Purposes of section 6 (2) of this 2020 Act.

29 “SECTION 9. ORS 443.001, as amended by section 8 of this 2020 Act, is  
30 amended to read:

1 “443.001. The Quality Care Fund is established in the State Treasury,  
2 separate and distinct from the General Fund. Interest earned by the Quality  
3 Care Fund shall be credited to the Quality Care Fund. Moneys in the fund  
4 are continuously appropriated to the Department of Human Services and the  
5 Oregon Health Authority for[:]

6 “[*1*] training, technical assistance, quality improvement initiatives and  
7 licensing activities to ensure that high standards for quality of care are met  
8 in accordance with rules adopted with respect to:

9 “[*a*] (1) A long term care facility as defined in ORS 442.015;

10 “[*b*] (2) A residential facility as defined in ORS 443.400, including but  
11 not limited to an assisted living facility; and

12 “[*c*] (3) An adult foster home as defined in ORS 443.705.[: and]

13 “[*2*] *Purposes of section 6 (2) of this 2020 Act.*]

14 **“SECTION 10. The amendments to ORS 443.001 by section 9 of this**  
15 **2020 Act become operative on January 2, 2024.**

16 **“SECTION 11. Sections 6 and 7 of this 2020 Act are repealed on**  
17 **January 2, 2024.**

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19

#### “CAPTIONS

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21 **“SECTION 12. The unit captions used in this 2020 Act are provided**  
22 **only for the convenience of the reader and do not become part of the**  
23 **statutory law of this state or express any legislative intent in the**  
24 **enactment of this 2020 Act.**

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26

#### “EFFECTIVE DATE

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28 **“SECTION 13. This 2020 Act takes effect on the 91st day after the**  
29 **date on which the 2020 regular session of the Eightieth Legislative**  
30 **Assembly adjourns sine die.”.**

