

Requested by JOINT COMMITTEE ON THE FIRST SPECIAL SESSION OF 2020 (at the request of Oregon Health Authority)

**PROPOSED AMENDMENTS TO
HOUSE BILL 4212**

1 On page 21 of the printed bill, delete lines 31 through 45 and delete page
2 22.

3 On page 23, delete line 1 and insert:

4 **“SECTION 40. (1) As used in this section:**

5 **“(a) ‘COVID-19’ means a disease caused by the severe acute respir-**
6 **atory syndrome coronavirus 2 (SARS-CoV-2).**

7 **“(b) ‘Encounter’ means an interaction between a patient, or the**
8 **patient’s legal representative, and a health care provider, whether that**
9 **interaction is in person or through telemedicine, for the purpose of**
10 **providing health care services related to COVID-19, including but not**
11 **limited to ordering or performing a COVID-19 test.**

12 **“(c) ‘Health care provider’ means:**

13 **“(A) An individual licensed or certified by the:**

14 **“(i) State Board of Examiners for Speech-Language Pathology and**
15 **Audiology;**

16 **“(ii) State Board of Chiropractic Examiners;**

17 **“(iii) State Board of Licensed Social Workers;**

18 **“(iv) Oregon Board of Licensed Professional Counselors and Thera-**
19 **pists;**

20 **“(v) Oregon Board of Dentistry;**

21 **“(vi) State Board of Massage Therapists;**

1 **“(vii) Oregon Board of Naturopathic Medicine;**
2 **“(viii) Oregon State Board of Nursing;**
3 **“(ix) Oregon Board of Optometry;**
4 **“(x) State Board of Pharmacy;**
5 **“(xi) Oregon Medical Board;**
6 **“(xii) Occupational Therapy Licensing Board;**
7 **“(xiii) Oregon Board of Physical Therapy;**
8 **“(xiv) Oregon Board of Psychology; or**
9 **“(xv) Board of Medical Imaging;**
10 **“(B) An emergency medical services provider licensed by the Oregon**
11 **Health Authority under ORS 682.216;**
12 **“(C) A clinical laboratory licensed under ORS 438.110; and**
13 **“(D) A health care facility as defined in ORS 442.015.**
14 **“(d) ‘Telemedicine’ means the delivery of a health service through**
15 **a two-way communication medium, including but not limited to tele-**
16 **phone, Voice over Internet Protocol, transmission of telemetry or any**
17 **Internet or electronic platform that allows a provider to interact in**
18 **real time with a patient, a parent or guardian of a patient or another**
19 **provider acting on a patient’s behalf.**
20 **“(2) The authority shall adopt rules:**
21 **“(a) Requiring a health provider to:**
22 **“(A) Collect encounter data on race, ethnicity, preferred spoken and**
23 **written language, English proficiency, interpreter needs and disability**
24 **status in accordance with the standards adopted by the authority un-**
25 **der ORS 413.161; and**
26 **“(B) Report the data in accordance with rules adopted under ORS**
27 **433.004 for the reporting of diseases.**
28 **“(b) Prescribing the manner of reporting.**
29 **“(c) Ensuring, to the extent practicable, that the data collected and**
30 **reported under this section by health care providers is not duplicative.**

1 “(d) Establishing phased in deadlines for the collection of data un-
2 der this section, beginning no later than October 1, 2020.

3 “(3) The authority may provide incentives to health care providers
4 and facilities to help defer the costs of making changes to electronic
5 health records or similar systems.

6 “(4) Data collected by health care providers under this section is
7 confidential and subject to disclosure only in accordance with the
8 federal Health Insurance Portability and Accountability Act privacy
9 regulations, 45 C.F.R. parts 160 and 164, ORS 192.553 to 192.581 or other
10 state or federal laws limiting the disclosure of health information.

11 “SECTION 41. Section 40 of this 2020 special session Act may be
12 enforced by any means permitted under the law by:

13 “(1) A health professional regulatory board specified in section 40
14 of this 2020 special session Act with respect to a provider under the
15 jurisdiction the board.

16 “(2) The Oregon Health Authority or the Department of Human
17 Services with regard to health care facilities under each agency’s re-
18 spective jurisdiction.

19 “(3) The authority with regard to emergency medical services pro-
20 viders licensed under ORS 682.216 and clinical laboratories licensed
21 under ORS 438.110.

22 “SECTION 41a. Section 40 of this 2020 special session Act is amended
23 to read:

24 “**Sec. 40.** (1) As used in this section:

25 “(a) ‘COVID-19’ means a disease caused by the severe acute respiratory
26 syndrome coronavirus 2 (SARS-CoV-2).

27 “(b) ‘Encounter’ means an interaction between a patient, or the patient’s
28 legal representative, and a health care provider, whether that interaction is
29 in person or through telemedicine, for the purpose of providing health care
30 services related to COVID-19, including but not limited to ordering or per-

1 forming a COVID-19 test.

2 “(c) ‘Health care provider’ means:

3 “(A) An individual licensed or certified by the:

4 “(i) State Board of Examiners for Speech-Language Pathology and
5 Audiology;

6 “(ii) State Board of Chiropractic Examiners;

7 “(iii) State Board of Licensed Social Workers;

8 “(iv) Oregon Board of Licensed Professional Counselors and Therapists;

9 “(v) Oregon Board of Dentistry;

10 “(vi) State Board of Massage Therapists;

11 “(vii) Oregon Board of Naturopathic Medicine;

12 “(viii) Oregon State Board of Nursing;

13 “(ix) Oregon Board of Optometry;

14 “(x) State Board of Pharmacy;

15 “(xi) Oregon Medical Board;

16 “(xii) Occupational Therapy Licensing Board;

17 “(xiii) Oregon Board of Physical Therapy;

18 “(xiv) Oregon Board of Psychology; or

19 “(xv) Board of Medical Imaging;

20 “(B) An emergency medical services provider licensed by the Oregon
21 Health Authority under ORS 682.216;

22 “(C) A clinical laboratory licensed under ORS 438.110; and

23 “(D) A health care facility as defined in ORS 442.015.

24 “(d) ‘Telemedicine’ means the delivery of a health service through a two-
25 way communication medium, including but not limited to telephone, Voice
26 over Internet Protocol, transmission of telemetry or any Internet or elec-
27 tronic platform that allows a provider to interact in real time with a patient,
28 a parent or guardian of a patient or another provider acting on a patient’s
29 behalf.

30 “(2) The authority shall adopt rules:

1 “(a) Requiring a health provider to:

2 “(A) Collect encounter data on race, ethnicity, preferred spoken and
3 written language, English proficiency, interpreter needs and disability status
4 in accordance with the standards adopted by the authority under ORS
5 413.161; and

6 “(B) Report the data in accordance with rules adopted under ORS 433.004
7 for the reporting of diseases.

8 “(b) Prescribing the manner of reporting.

9 “(c) Ensuring, to the extent practicable, that the data collected and re-
10 ported under this section by health care providers is not duplicative.

11 “[*(d) Establishing phased in deadlines for the collection of data under this*
12 *section, beginning no later than October 1, 2020.*]

13 “(3) The authority may provide incentives to health care providers and
14 facilities to help defer the costs of making changes to electronic health re-
15 cords or similar systems.

16 “(4) Data collected by health care providers under this section is confi-
17 dential and subject to disclosure only in accordance with the federal Health
18 Insurance Portability and Accountability Act privacy regulations, 45 C.F.R.
19 parts 160 and 164, ORS 192.553 to 192.581 or other state or federal laws lim-
20 iting the disclosure of health information.

21 **“SECTION 41b. (1) Section 41 of this 2020 special session Act be-
22 comes operative on December 31, 2020.**

23 **(2) The amendments to section 40 of this 2020 special session Act
24 by section 41a of this 2020 special session Act become operative on
25 December 31, 2021.**

26 **“SECTION 42. Section 43 of this 2020 special session Act is added to
27 and made a part of the Insurance Code.**

28 **“SECTION 43. An insurer transacting insurance in this state may
29 not consider any information collected and reported under section 40
30 of this 2020 special session Act to:**

1 **“(1) Deny, limit, cancel, rescind or refuse to renew a policy of in-**
2 **surance;**

3 **“(2) Establish premium rates for a policy of insurance; or**

4 **“(3) Establish the terms and conditions of a policy of insurance.”.**

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