

House Bill 2397

Sponsored by Representatives PRUSAK, GRAYBER (Presession filed.)

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 **as introduced**.

Establishes Senior Emergency Medical Services Innovation Program in Department of Human Services to fund and monitor certain local public sector pilot projects related to emergency medical services for seniors. Sunsets January 2, 2027.

A BILL FOR AN ACT

1
2 Relating to emergency medical services for residents in long term care settings; creating new pro-
3 visions; and amending ORS 443.001.

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

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

6 (a) "Long term care facility" has the meaning given that term in ORS 442.015.

7 (b) "Residential care facility" has the meaning given that term in ORS 443.400.

8 (c) "Senior emergency medical services" means services provided by an emergency med-
9 ical services provider, as defined in ORS 682.025, to residents of a long term care facility or
10 residential care facility.

11 (2)(a) The Senior Emergency Medical Services Innovation Program is established in the
12 Department of Human Services. The purpose of the program is to select, provide funding to
13 and monitor local public sector pilot projects that:

14 (A) Provide innovative strategies for addressing the emergency medical services needs
15 of this state's increasing number of aging residents who receive care and services in resi-
16 dential care facilities and long term care facilities;

17 (B) Encourage the efficient and appropriate use of senior emergency medical services;

18 (C) Reduce the overall costs of senior emergency medical services while promoting qual-
19 ity emergency medical services; and

20 (D) Encourage unique community-based responses to challenges faced by local commu-
21 nities in meeting their residents' needs for senior emergency medical services.

22 (b) The department shall provide funding to a pilot project described in this subsection
23 from moneys deposited in the Quality Care Fund established under ORS 443.001.

24 (3) The Senior Emergency Medical Services Advisory Council is established consisting of
25 the following eight members appointed by the Governor:

26 (a) One member representing long term care facilities;

27 (b) One member representing residential care facilities;

28 (c) One member who is a nurse or clinician in a long term care facility or a residential
29 care facility;

30 (d) One member representing an urban or suburban fire department or a city fire de-
31 partment that provides emergency medical services;

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 (e) One member representing a rural fire protection district organized under ORS chap-
2 ter 478;

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

5 (g) One member who is a physician licensed under ORS chapter 677 or other health care
6 practitioner with expertise in emergency medical services; and

7 (h) One member representing the Oregon Health Authority who has expertise in emer-
8 gency medical services and trauma response.

9 (4) The council shall advise and make recommendations to the Department of Human
10 Services on:

11 (a) Minimum standards and data reporting requirements for pilot projects funded
12 through the program;

13 (b) The application process and timelines for the consideration of applications for funding
14 of pilot projects;

15 (c) The criteria for the selection of pilot projects to participate in the program; and

16 (d) Other factors identified by the council as likely to facilitate successful pilot projects.

17 (5) A majority of the members of the council constitutes a quorum for the transaction
18 of business.

19 (6) Official action by the council requires the approval of a majority of the members of
20 the council.

21 (7) The council shall elect one of its members to serve as chairperson.

22 (8) If there is a vacancy for any cause, the Governor shall make an appointment to be-
23 come immediately effective.

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

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

27 (11) The department shall submit a report, in the manner provided in ORS 192.245, on the
28 pilot projects selected for the program, the success achieved by each pilot project in meeting
29 the goals of the program described in subsection (2) of this section and any recommendations
30 for legislative changes necessary to improve the emergency services provided throughout
31 this state.

32 (12) The department shall submit the report described in subsection (11) of this section
33 to the authority for consideration and review prior to submitting the report as described in
34 subsection (11) of this section.

35 (13) The department shall provide staff support to the council.

36 (14) Members of the council are not entitled to compensation or reimbursement for ex-
37 penses and serve as volunteers on the council.

38 (15) All agencies of state government, as defined in ORS 174.111, are directed to assist
39 the council in the performance of the duties of the council and, to the extent permitted by
40 laws relating to confidentiality, to furnish information and advice the members of the council
41 consider necessary to perform their duties.

42 **SECTION 2.** (1) As used in this section:

43 (a) "Emergency medical services provider" has the meaning given that term in ORS
44 682.025.

45 (b) "Local government" has the meaning given that term in ORS 174.116.

1 (c) "Long term care facility" has the meaning given that term in ORS 442.015.

2 (d) "Residential care facility" has the meaning given that term in ORS 443.400.

3 (2) The governing body of a local government may not enact or enforce any charter
4 provision, ordinance, resolution or other regulation that:

5 (a) Regulates the care or services and supports provided to a patient or resident of a long
6 term care facility or residential care facility, that are subject to regulation by the Depart-
7 ment of Human Services under state or federal law, or pursuant to rules adopted by the de-
8 partment; or

9 (b) Imposes fees or other requirements that apply exclusively to long term care facilities
10 or residential care facilities and are not generally applicable to business entities operating
11 within the jurisdiction of the local government.

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

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

15 (b) Laws that impose a fine, fee, charge or sanction against long term care facilities or
16 residential care facilities that contact an emergency medical services provider to provide lift
17 assist services to a resident who has fallen and who the long term care facility or residential
18 care facility knows, or reasonably should have known, does not require the services of an
19 emergency medical services provider.

20 **SECTION 3.** ORS 443.001 is amended to read:

21 443.001. The Quality Care Fund is established in the State Treasury, separate and distinct from
22 the General Fund. Interest earned by the Quality Care Fund shall be credited to the Quality Care
23 Fund. Moneys in the fund are continuously appropriated to the Department of Human Services and
24 the Oregon Health Authority for:

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

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

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

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

32 (2) **Administering the Senior Emergency Medical Services Innovation Program estab-**
33 **lished in section 1 of this 2021 Act.**

34 **SECTION 4.** ORS 443.001, as amended by section 3 of this 2021 Act, is amended to read:

35 443.001. The Quality Care Fund is established in the State Treasury, separate and distinct from
36 the General Fund. Interest earned by the Quality Care Fund shall be credited to the Quality Care
37 Fund. Moneys in the fund are continuously appropriated to the Department of Human Services and
38 the Oregon Health Authority for[.:

39 [(1)] training, technical assistance, quality improvement initiatives and licensing activities to
40 ensure that high standards for quality of care are met in accordance with rules adopted with respect
41 to:

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

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

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

1 *[(2) Administering the Senior Emergency Medical Services Innovation Program established in*
2 *section 1 of this 2021 Act].*

3 **SECTION 5. The amendments to ORS 443.001 by section 4 of this 2021 Act become oper-**
4 **ative on January 2, 2027.**

5 **SECTION 6. Sections 1 and 2 of this 2021 Act are repealed on January 2, 2027.**

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