

Requested by Representative PRUSAK

**PROPOSED AMENDMENTS TO
HOUSE BILL 2164**

1 In line 2 of the printed bill, after the semicolon insert “creating new
2 provisions; amending ORS 192.556, 413.201, 413.225, 414.231 and 414.578;”.

3 Delete lines 4 through 9 and insert:

4 **“SECTION 1.** ORS 414.231 is amended to read:

5 “414.231. (1) As used in this section[, *‘child’*]:

6 **“(a) ‘Parent’ has the meaning prescribed by the Oregon Health
7 Authority by rule.**

8 **“(b) ‘Youth’** means a person [*under 19*] **26** years of age **or younger.**

9 **“(2) The [*Health Care for All Oregon Children*] Cover All People** program
10 is established to make affordable, accessible health care available to all [*of*
11 *Oregon’s children*] **youth and their parents in this state.** The program
12 provides medical assistance [*to children*], funded in whole or in part by Title
13 XIX of the Social Security Act, by the State Children’s Health Insurance
14 Program under Title XXI of the Social Security Act [*and*] **or** by moneys ap-
15 propriated or allocated for that purpose by the Legislative Assembly.

16 **“(3) A [*child is*] youth and the parents of the youth are** eligible for
17 medical assistance under subsection (2) of this section if the [*child resides*
18 *in this state and the income of the child’s family is at or below 300 percent*
19 *of the federal poverty guidelines*] **youth or the youth and the youth’s**
20 **parents:**

21 **“(a) Reside in this state; and**

1 **“(b) Would be eligible for medical assistance but for immigration**
2 **status.**

3 “(4) There is no asset limit to qualify for the program.

4 “(5)(a) A [*child*] **youth** receiving medical assistance through the [*Health*
5 *Care for All Oregon Children*] **Cover All People** program is continuously
6 eligible for a minimum period of 12 months or until the [*child*] **youth** reaches
7 [19] **27** years of age, whichever comes first.

8 “(b) The Department of Human Services or the [*Oregon Health*] authority
9 shall reenroll a [*child*] **youth** for successive 12-month periods of enrollment
10 as long as the [*child*] **youth** is eligible for medical assistance on the date
11 of reenrollment and the [*child*] **youth** has not yet reached [19] **27** years of
12 age.

13 “(c) A [*child*] **youth** may not be required to submit a new application as
14 a condition of reenrollment under paragraph (b) of this subsection.

15 “(6) The department or the authority must determine [*the child’s*] eligi-
16 bility for or reenrollment in medical assistance **under this section** using
17 information and sources available to the department or the authority. If in-
18 formation and sources available to the department or the authority are not
19 adequate to verify [*the child’s*] eligibility, the department or the authority
20 may require the [*child or the child’s*] **parent, the youth or the youth’s**
21 caretaker to provide additional documentation in accordance with ORS
22 411.400 and 411.402. Information requested or obtained by the department or
23 the authority under this subsection is subject to the requirements of ORS
24 410.150 and 413.175.

25 **“SECTION 2.** ORS 413.201 is amended to read:

26 “413.201. (1) The Oregon Health Authority is responsible for statewide
27 outreach and [*marketing of the Health Care for All Oregon Children*] **edu-**
28 **cation about the Cover All People** program established in ORS 414.231 and
29 administered by the authority with the goal of enrolling in the program all
30 eligible [*children*] **individuals** residing in this state. The authority, in col-

1 laboration with the work group described in subsection (3) of this section,
2 shall evaluate and implement the outreach, [*and marketing*] **education and**
3 **engagement** strategies designed to most effectively encourage [*the*] enroll-
4 ment [*of children*] in the program.

5 “(2) To maximize the enrollment and retention of eligible [*children*] **in-**
6 **dividuals** in the [*Health Care for All Oregon Children*] **Cover All People**
7 program, the authority shall develop and administer a grant program to
8 provide funding to organizations and community based groups to deliver
9 culturally specific and targeted outreach, [*and direct*] application assistance
10 **and navigation** to:

11 “(a) Members of racial, ethnic and language minority communities;

12 “(b) Children **and families** living in geographic isolation; and

13 “(c) Children and [*family members*] **families** with additional barriers to
14 accessing health care, such as cognitive, mental health or sensory disorders,
15 physical disabilities or chemical dependency[, *and children experiencing*] **or**
16 homelessness.

17 “(3) The authority shall convene a work group, consisting of individuals
18 with experience in conducting outreach to the individuals described in sub-
19 section (2)(a) to (c) of this section, to advise and assist the authority in
20 carrying out its duties under this section.

21 **“SECTION 3.** ORS 192.556 is amended to read:

22 “192.556. As used in ORS 192.553 to 192.581:

23 “(1) ‘Authorization’ means a document written in plain language that
24 contains at least the following:

25 “(a) A description of the information to be used or disclosed that identi-
26 fies the information in a specific and meaningful way;

27 “(b) The name or other specific identification of the person or persons
28 authorized to make the requested use or disclosure;

29 “(c) The name or other specific identification of the person or persons to
30 whom the covered entity may make the requested use or disclosure;

1 “(d) A description of each purpose of the requested use or disclosure, in-
2 cluding but not limited to a statement that the use or disclosure is at the
3 request of the individual;

4 “(e) An expiration date or an expiration event that relates to the indi-
5 vidual or the purpose of the use or disclosure;

6 “(f) The signature of the individual or personal representative of the in-
7 dividual and the date;

8 “(g) A description of the authority of the personal representative, if ap-
9 plicable; and

10 “(h) Statements adequate to place the individual on notice of the follow-
11 ing:

12 “(A) The individual’s right to revoke the authorization in writing;

13 “(B) The exceptions to the right to revoke the authorization;

14 “(C) The ability or inability to condition treatment, payment, enrollment
15 or eligibility for benefits on whether the individual signs the authorization;
16 and

17 “(D) The potential for information disclosed pursuant to the authorization
18 to be subject to redisclosure by the recipient and no longer protected.

19 “(2) ‘Covered entity’ means:

20 “(a) A state health plan;

21 “(b) A health insurer;

22 “(c) A health care provider that transmits any health information in
23 electronic form to carry out financial or administrative activities in con-
24 nection with a transaction covered by ORS 192.553 to 192.581; or

25 “(d) A health care clearinghouse.

26 “(3) ‘Health care’ means care, services or supplies related to the health
27 of an individual.

28 “(4) ‘Health care operations’ includes but is not limited to:

29 “(a) Quality assessment, accreditation, auditing and improvement activ-
30 ities;

- 1 “(b) Case management and care coordination;
- 2 “(c) Reviewing the competence, qualifications or performance of health
3 care providers or health insurers;
- 4 “(d) Underwriting activities;
- 5 “(e) Arranging for legal services;
- 6 “(f) Business planning;
- 7 “(g) Customer services;
- 8 “(h) Resolving internal grievances;
- 9 “(i) Creating deidentified information; and
- 10 “(j) Fundraising.
- 11 “(5) ‘Health care provider’ includes but is not limited to:
- 12 “(a) A psychologist, occupational therapist, regulated social worker, pro-
13 fessional counselor or marriage and family therapist licensed or otherwise
14 authorized to practice under ORS chapter 675 or an employee of the psy-
15 chologist, occupational therapist, regulated social worker, professional
16 counselor or marriage and family therapist;
- 17 “(b) A physician or physician assistant licensed under ORS chapter 677,
18 an acupuncturist licensed under ORS 677.759 or an employee of the physi-
19 cian, physician assistant or acupuncturist;
- 20 “(c) A nurse or nursing home administrator licensed under ORS chapter
21 678 or an employee of the nurse or nursing home administrator;
- 22 “(d) A dentist licensed under ORS chapter 679 or an employee of the
23 dentist;
- 24 “(e) A dental hygienist or denturist licensed under ORS chapter 680 or
25 an employee of the dental hygienist or denturist;
- 26 “(f) A speech-language pathologist or audiologist licensed under ORS
27 chapter 681 or an employee of the speech-language pathologist or audiologist;
- 28 “(g) An emergency medical services provider licensed under ORS chapter
29 682;
- 30 “(h) An optometrist licensed under ORS chapter 683 or an employee of the

1 optometrist;

2 “(i) A chiropractic physician licensed under ORS chapter 684 or an em-
3 ployee of the chiropractic physician;

4 “(j) A naturopathic physician licensed under ORS chapter 685 or an em-
5 ployee of the naturopathic physician;

6 “(k) A massage therapist licensed under ORS 687.011 to 687.250 or an
7 employee of the massage therapist;

8 “(L) A direct entry midwife licensed under ORS 687.405 to 687.495 or an
9 employee of the direct entry midwife;

10 “(m) A physical therapist licensed under ORS 688.010 to 688.201 or an
11 employee of the physical therapist;

12 “(n) A medical imaging licensee under ORS 688.405 to 688.605 or an em-
13 ployee of the medical imaging licensee;

14 “(o) A respiratory care practitioner licensed under ORS 688.815 or an
15 employee of the respiratory care practitioner;

16 “(p) A polysomnographic technologist licensed under ORS 688.819 or an
17 employee of the polysomnographic technologist;

18 “(q) A pharmacist licensed under ORS chapter 689 or an employee of the
19 pharmacist;

20 “(r) A dietitian licensed under ORS 691.405 to 691.485 or an employee of
21 the dietitian;

22 “(s) A funeral service practitioner licensed under ORS chapter 692 or an
23 employee of the funeral service practitioner;

24 “(t) A health care facility as defined in ORS 442.015;

25 “(u) A home health agency as defined in ORS 443.014;

26 “(v) A hospice program as defined in ORS 443.850;

27 “(w) A clinical laboratory as defined in ORS 438.010;

28 “(x) A pharmacy as defined in ORS 689.005; and

29 “(y) Any other person or entity that furnishes, bills for or is paid for
30 health care in the normal course of business.

1 “(6) ‘Health information’ means any oral or written information in any
2 form or medium that:

3 “(a) Is created or received by a covered entity, a public health authority,
4 an employer, a life insurer, a school, a university or a health care provider
5 that is not a covered entity; and

6 “(b) Relates to:

7 “(A) The past, present or future physical or mental health or condition
8 of an individual;

9 “(B) The provision of health care to an individual; or

10 “(C) The past, present or future payment for the provision of health care
11 to an individual.

12 “(7) ‘Health insurer’ means an insurer as defined in ORS 731.106 who of-
13 fers:

14 “(a) A health benefit plan as defined in ORS 743B.005;

15 “(b) A short term health insurance policy, the duration of which does not
16 exceed three months including renewals;

17 “(c) A student health insurance policy;

18 “(d) A Medicare supplemental policy; or

19 “(e) A dental only policy.

20 “(8) ‘Individually identifiable health information’ means any oral or
21 written health information in any form or medium that is:

22 “(a) Created or received by a covered entity, an employer or a health care
23 provider that is not a covered entity; and

24 “(b) Identifiable to an individual, including demographic information that
25 identifies the individual, or for which there is a reasonable basis to believe
26 the information can be used to identify an individual, and that relates to:

27 “(A) The past, present or future physical or mental health or condition
28 of an individual;

29 “(B) The provision of health care to an individual; or

30 “(C) The past, present or future payment for the provision of health care

1 to an individual.

2 “(9) ‘Payment’ includes but is not limited to:

3 “(a) Efforts to obtain premiums or reimbursement;

4 “(b) Determining eligibility or coverage;

5 “(c) Billing activities;

6 “(d) Claims management;

7 “(e) Reviewing health care to determine medical necessity;

8 “(f) Utilization review; and

9 “(g) Disclosures to consumer reporting agencies.

10 “(10) ‘Personal representative’ includes but is not limited to:

11 “(a) A person appointed as a guardian under ORS 125.305, 419B.372,
12 419C.481 or 419C.555 with authority to make medical and health care deci-
13 sions;

14 “(b) A person appointed as a health care representative under ORS 127.505
15 to 127.660 or a representative under ORS 127.700 to 127.737 to make health
16 care decisions or mental health treatment decisions;

17 “(c) A person appointed as a personal representative under ORS chapter
18 113; and

19 “(d) A person described in ORS 192.573.

20 “(11)(a) ‘Protected health information’ means individually identifiable
21 health information that is maintained or transmitted in any form of elec-
22 tronic or other medium by a covered entity.

23 “(b) ‘Protected health information’ does not mean individually identifiable
24 health information in:

25 “(A) Education records covered by the federal Family Educational Rights
26 and Privacy Act (20 U.S.C. 1232g);

27 “(B) Records described at 20 U.S.C. 1232g(a)(4)(B)(iv); or

28 “(C) Employment records held by a covered entity in its role as employer.

29 “(12) ‘State health plan’ means:

30 “(a) Medical assistance as defined in ORS 414.025;

1 “(b) The [*Health Care for All Oregon Children*] **Cover All People** pro-
2 gram; or

3 “(c) Any medical assistance or premium assistance program operated by
4 the Oregon Health Authority.

5 “(13) ‘Treatment’ includes but is not limited to:

6 “(a) The provision, coordination or management of health care; and

7 “(b) Consultations and referrals between health care providers.

8 **“SECTION 4.** ORS 413.225 is amended to read:

9 “413.225. (1) As used in this section:

10 “(a) ‘Community health center or safety net clinic’ means a nonprofit
11 medical clinic or school-based health center that provides primary physical
12 health, vision, dental or mental health services to low-income patients with-
13 out charge or using a sliding scale based on the income of the patient.

14 “(b) ‘School-based health center’ means a health clinic that:

15 “(A) Is located on the grounds of a school in a school district or on the
16 grounds of a school operated by a federally recognized Indian tribe or tribal
17 organization;

18 “(B) Is organized through collaboration among schools, communities and
19 health providers, including public health authorities;

20 “(C) Is administered by a county, state, federal or private organization
21 that ensures that certification requirements are met and provides project
22 funding through grants, contracts, billing or other sources of funds;

23 “(D) Is operated exclusively for the purpose of providing health services
24 such as:

25 “(i) Primary care;

26 “(ii) Preventive health care;

27 “(iii) Management and monitoring of chronic health conditions;

28 “(iv) Behavioral health care;

29 “(v) Oral health care;

30 “(vi) Health education services; and

1 “(vii) The administration of vaccines recommended by the Centers for
2 Disease Control and Prevention;

3 “(E) Provides health services to children and adolescents by licensed or
4 certified health professionals; and

5 “(F) May provide one or more health services to children and adolescents
6 by:

7 “(i) A student enrolled in a professional medical, nursing or dental pro-
8 gram at an accredited university if the health service is within the student’s
9 field of study and training; or

10 “(ii) An expanded practice dental hygienist holding a permit issued under
11 ORS 680.200 for oral health care.

12 “(2)(a) The Oregon Health Authority shall award grants to community
13 health centers or safety net clinics, including school-based health centers, to
14 ensure the capacity of each grantee to provide health care services to
15 underserved or vulnerable populations.

16 “(b) The authority shall work with the Centers for Medicare and
17 Medicaid Services and stakeholders to identify additional sources of funding
18 for school-based health center expenditures for which federal financial par-
19 ticipation is available under Title XIX or Title XXI of the Social Security
20 Act.

21 “(3) The authority shall provide outreach for the [*Health Care for All*
22 *Oregon Children*] **Cover All People** program, including development and
23 administration of an application assistance program, and including grants to
24 provide funding to organizations and local groups for outreach and enroll-
25 ment activities for the program, within the limits of funds provided by the
26 Legislative Assembly for this purpose.

27 “(4) The authority shall, using funds allocated by the Legislative Assem-
28 bly:

29 “(a) Provide funds for the expansion and continuation of school-based
30 health centers that are operating on July 29, 2013, and that become certified

1 under ORS 413.223;

2 “(b) Direct funds to communities with certified school-based health cen-
3 ters and to communities planning for certified school-based health centers;
4 and

5 “(c) Create a pool of funds available to provide financial incentives to:

6 “(A) Increase the number of school-based health centers identified as pa-
7 tient centered primary care homes without requiring school-based health
8 centers to be identified as patient centered primary care homes;

9 “(B) Improve the coordination of the care of patients served by coordi-
10 nated care organizations and school-based health centers; and

11 “(C) Improve the effectiveness of the delivery of health services through
12 school-based health centers to children who qualify for medical assistance.

13 “(5) The authority shall by rule adopt criteria for awarding grants and
14 providing funds in accordance with this section.

15 “(6) The authority shall analyze and evaluate the implementation of the
16 [*Health Care for All Oregon Children*] **Cover All People** program.

17 **“SECTION 5.** ORS 414.578 is amended to read:

18 “414.578. (1) A community health improvement plan adopted by a coordi-
19 nated care organization and its community advisory council in accordance
20 with ORS 414.577 shall include a component for addressing the health of
21 children and youth in the areas served by the coordinated care organization
22 including, to the extent practicable, a strategy and a plan for:

23 “(a) Working with programs developed by the Early Learning Council,
24 Early Learning Hubs, the Youth Development Council and the school health
25 providers in the region; and

26 “(b) Coordinating the effective and efficient delivery of health care to
27 children and adolescents in the community.

28 “(2) A community health improvement plan must be based on research,
29 including research into adverse childhood experiences, and must identify
30 funding sources and additional funding necessary to address the health needs

1 of children and adolescents in the community and to meet the goals of the
2 plan. The plan must also:

3 “(a) Evaluate the adequacy of the existing school-based health resources
4 including school-based health centers and school nurses to meet the specific
5 pediatric and adolescent health care needs in the community;

6 “(b) Make recommendations to improve the school-based health center and
7 school nurse system, including the addition or improvement of electronic
8 medical records and billing systems;

9 “(c) Take into consideration whether integration of school-based health
10 centers with the larger health system or system of community clinics would
11 further advance the goals of the plan;

12 “(d) Improve the integration of all services provided to meet the needs
13 of children, adolescents and families;

14 “(e) Focus on primary care, behavioral health and oral health; and

15 “(f) Address promotion of health and prevention and early intervention
16 in the treatment of children and adolescents.

17 “(3) A coordinated care organization shall involve in the development of
18 its community health improvement plan, school-based health centers, school
19 nurses, school mental health providers and individuals representing:

20 “(a) Programs developed by the Early Learning Council and Early
21 Learning Hubs;

22 “(b) Programs developed by the Youth Development Council in the region;

23 “(c) The Healthy Start Family Support Services program in the region;

24 “(d) The [*Health Care for All Oregon Children*] **Cover All People** program
25 and other medical assistance programs;

26 “(e) Relief nurseries in the region;

27 “(f) Community health centers;

28 “(g) Oral health care providers;

29 “(h) Community mental health providers;

30 “(i) Administrators of county health department programs that offer pre-

1 ventive health services to children;

2 “(j) Hospitals in the region; and

3 “(k) Other appropriate child and adolescent health program administra-
4 tors.

5 “(4) The Oregon Health Authority may provide incentive grants to coor-
6 dinated care organizations for the purpose of contracting with individuals
7 or organizations to help coordinate integration strategies identified in the
8 community health improvement plan adopted by the community advisory
9 council. The authority may also provide funds to coordinated care organiza-
10 tions to improve systems of services that will promote the implementation
11 of the plan.

12 “(5) Each coordinated care organization shall report to the authority, in
13 the form and manner prescribed by the authority, on the progress of the in-
14 tegration strategies and implementation of the plan for working with the
15 programs developed by the Early Learning Council, Early Learning Hubs,
16 the Youth Development Council and school health care providers in the re-
17 gion, as part of the development and implementation of the community
18 health improvement plan. The authority shall compile the information
19 biennially and report the information to the Legislative Assembly by De-
20 cember 31 of each even-numbered year.

21 **“SECTION 6. (1) The Oregon Health Authority, in collaboration**
22 **with the Department of Consumer and Business Services if necessary,**
23 **shall seek any federal approval or waivers of federal requirements**
24 **necessary to maximize federal financial participation in the costs of**
25 **providing medical assistance to adults in the Cover All People program**
26 **established in ORS 414.231.**

27 **“(2) Implementation of the amendments to ORS 414.231 by section**
28 **1 of this 2021 Act is not contingent upon federal approval or waivers**
29 **described in subsection (1) of this section.**

30 **“SECTION 7. (1) The amendments to ORS 413.201 by section 2 of this**

1 **2021 Act become operative on November 1, 2021.**

2 **“(2) The amendments to ORS 192.556, 413.225, 414.231 and 414.578 by**
3 **sections 1 and 3 to 5 of this 2021 Act become operative on March 31,**
4 **2022.**

5 **“(3) The Oregon Health Authority shall take all steps prior to the**
6 **operative dates specified in this section that are necessary to carry out**
7 **the amendments to:**

8 **“(a) ORS 413.201 by section 2 of this 2021 Act on and after November**
9 **1, 2021; and**

10 **“(b) ORS 192.556, 413.225, 414.231 and 414.578 by sections 1 and 3 to**
11 **5 of this 2021 Act on and after March 31, 2022.”.**

12 In line 10, delete “3” and insert “8”.

13
