

SENATE AMENDMENTS TO SENATE BILL 1529

By COMMITTEE ON HEALTH CARE

February 14

1 On page 1 of the printed bill, line 2, after “care;” delete the rest of the line and insert “creating
2 new provisions; amending ORS 401.651, 401.654, 401.655, 401.661, 401.667 and 431A.015 and section
3 5, chapter 526, Oregon Laws 2019; and declaring an emergency.”.

4 Delete lines 4 through 30 and delete pages 2 and 3 and insert:
5

“HEALTH CARE EMERGENCIES

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8 “**SECTION 1.** ORS 401.651 is amended to read:

9 “401.651. As used in ORS 401.651 to 401.670:

10 “(1) ‘**Health care emergency**’ means:

11 “(a) **A state of emergency declared under ORS 401.165;**

12 “(b) **A state of public health emergency declared under ORS 433.441; or**

13 “(c) **A determination by the Public Health Director that there exists a disease outbreak,**
14 **epidemic or other condition of public health importance statewide or in a specified geographic**
15 **area of this state.**

16 “[~~1~~] (2) ‘Health care facility’ means a health care facility as defined in ORS 442.015 that has
17 been licensed under ORS chapter 441.

18 “[~~2~~] (3) ‘Health care provider’ means:

19 “(a) An individual licensed, certified or otherwise authorized or permitted by the laws of this
20 state or another state to administer health care services in the ordinary course of business or
21 practice of a profession; and

22 “(b) A person entered in the emergency health care provider registry under ORS 401.658.

23 “[~~3~~] (4) ‘Health professional regulatory board’ means a health professional regulatory board,
24 as defined in ORS 676.160, the Long Term Care Administrators Board, the Board of Licensed
25 Dietitians and the Behavior Analysis Regulatory Board.

26 “**SECTION 2.** ORS 401.654, as operative until July 1, 2022, is amended to read:

27 “401.654. (1) The Oregon Health Authority may establish an emergency health care provider
28 registry that includes emergency health care providers who are available to provide health care
29 services during [*an emergency or crisis*] **a health care emergency**. As a condition of inclusion in
30 the registry, the authority may require:

31 “(a) Training related to the provision of health care services in [*an emergency or crisis*] **a health**
32 **care emergency** as a condition of registration; and

33 “(b) Criminal background checks for applicants and persons who have been registered.

34 “(2) The authority shall issue identification cards to health care providers entered in the emer-
35 gency health care provider registry established under this section that:

1 “(a) Identify the health care provider;

2 “(b) Indicate that the health care provider is registered as an Oregon emergency health care
3 provider;

4 “(c) Identify the license or certification held by the health care provider, or previously held by
5 the health care provider if the health care provider is entered in the emergency health care provider
6 registry under ORS 401.658; and

7 “(d) Identify the health care provider’s usual area of practice, and the types of health care that
8 the health care provider is authorized to provide, if that information is available and the authority
9 determines that it is appropriate to provide that information.

10 “(3) The authority by rule shall establish a form for identification cards issued under subsection
11 (2) of this section.

12 “(4) The authority shall support and provide assistance to the Office of Emergency Management
13 in emergencies or crises involving the public health or requiring emergency medical response.

14 “(5) The authority may enter into agreements with other states to facilitate the registry of
15 out-of-state health care providers in the emergency health care provider registry established under
16 this section.

17 “**SECTION 3.** ORS 401.654 is amended to read:

18 “401.654. (1) The Oregon Health Authority may establish an emergency health care provider
19 registry that includes emergency health care providers who are available to provide health care
20 services during [*an*] **a health care** emergency [*or crisis*]. As a condition of inclusion in the registry,
21 the authority may require:

22 “(a) Training related to the provision of health care services in [*an emergency or crisis*] **a health**
23 **care emergency** as a condition of registration; and

24 “(b) Criminal background checks for applicants and persons who have been registered.

25 “(2) The authority shall issue identification cards to health care providers entered in the emer-
26 gency health care provider registry established under this section that:

27 “(a) Identify the health care provider;

28 “(b) Indicate that the health care provider is registered as an Oregon emergency health care
29 provider;

30 “(c) Identify the license or certification held by the health care provider, or previously held by
31 the health care provider if the health care provider is entered in the emergency health care provider
32 registry under ORS 401.658; and

33 “(d) Identify the health care provider’s usual area of practice, and the types of health care that
34 the health care provider is authorized to provide, if that information is available and the authority
35 determines that it is appropriate to provide that information.

36 “(3) The authority by rule shall establish a form for identification cards issued under subsection
37 (2) of this section.

38 “(4) The authority shall support and provide assistance to the Oregon Department of Emergency
39 Management in emergencies or crises involving the public health or requiring emergency medical
40 response.

41 “(5) The authority may enter into agreements with other states to facilitate the registry of
42 out-of-state health care providers in the emergency health care provider registry established under
43 this section.

44 “**SECTION 4.** ORS 401.655, as operative until July 1, 2022, is amended to read:

45 “401.655. [*During a state of emergency declared under ORS 401.165 or a state of public health*

1 *emergency proclaimed under ORS 433.441,]* **During a health care emergency**, a health care pro-
2 vider who is licensed, certified or otherwise authorized or permitted by the laws of another state
3 to administer health care services and who is registered under ORS 401.654 may administer health
4 care services in this state as if the health care provider were licensed in this state.

5 **“SECTION 5.** ORS 401.655 is amended to read:

6 “401.655. [*During a state of emergency declared under ORS 401.165 or a state of public health*
7 *emergency declared under ORS 433.441,]* **During a health care emergency**, a health care provider
8 who is licensed, certified or otherwise authorized or permitted by the laws of another state to ad-
9 minister health care services and who is registered under ORS 401.654 may administer health care
10 services in this state as if the health care provider were licensed in this state.

11 **“SECTION 6.** ORS 401.661, as operative until July 1, 2022, is amended to read:

12 “401.661. [*If the Governor declares a state of emergency under ORS 401.165 or proclaims a state*
13 *of public health emergency under ORS 433.441:]*

14 **“During a health care emergency:**

15 “(1) The Oregon Health Authority, in conjunction with the Department of Human Services for
16 facilities licensed by the department, may direct emergency health care providers registered under
17 ORS 401.654 who are willing to provide health care services to proceed to any place in this state
18 where health care services are required by reason of the **health care** emergency [*or crisis;*].

19 “(2) Pursuant to the Emergency Management Assistance Compact and the Pacific Northwest
20 Emergency Management Arrangement, the Oregon Health Authority may direct emergency health
21 care providers registered under ORS 401.654 who are willing to provide health care services in an-
22 other state to proceed to another state where emergency health care services are required by reason
23 of an emergency in that state[; *and*].

24 “(3) Any emergency health care provider registered under ORS 401.654 or other health care
25 provider may volunteer to perform health care services described in ORS 401.657 at any emergency
26 health care center or health care facility in the manner provided by ORS 401.664.

27 **“SECTION 7.** ORS 401.661 is amended to read:

28 “401.661. [*If the Governor declares a state of emergency under ORS 401.165 or declares a state of*
29 *public health emergency under ORS 433.441:]*

30 **“During a health care emergency:**

31 “(1) The Oregon Health Authority, in conjunction with the Department of Human Services for
32 facilities licensed by the department, may direct emergency health care providers registered under
33 ORS 401.654 who are willing to provide health care services to proceed to any place in this state
34 where health care services are required by reason of the **health care** emergency [*or crisis;*].

35 “(2) Pursuant to the Emergency Management Assistance Compact and the Pacific Northwest
36 Emergency Management Arrangement, the Oregon Health Authority may direct emergency health
37 care providers registered under ORS 401.654 who are willing to provide health care services in an-
38 other state to proceed to another state where emergency health care services are required by reason
39 of an emergency in that state[; *and*].

40 “(3) Any emergency health care provider registered under ORS 401.654 or other health care
41 provider may volunteer to perform health care services described in ORS 401.657 at any emergency
42 health care center or health care facility in the manner provided by ORS 401.664.

43 **“SECTION 8.** ORS 401.667, as operative until July 1, 2022, is amended to read:

44 “401.667. (1) [*If the Governor declares a state of emergency under ORS 401.165, or proclaims a*
45 *state of public health emergency under ORS 433.441,]* **During a health care emergency**, emergency

1 health care providers registered under ORS 401.654 and other health care providers who volunteer
2 to perform health care services under ORS 401.651 to 401.670 are agents of the state under ORS
3 30.260 to 30.300 for the purposes of any claims arising out of services that are provided under ORS
4 401.651 to 401.670 pursuant to directions from a public body and that are within the course and
5 scope of the health care provider’s duties, without regard to whether the health care provider is
6 compensated for the services.

7 “(2) *[If the Governor declares a state of emergency under ORS 401.165, or proclaims a state of*
8 *public health emergency under ORS 433.441,]* **During a health care emergency**, health care facili-
9 ties designated under ORS 401.657 and other persons operating emergency health care centers des-
10 ignated under ORS 401.657 are agents of the state under ORS 30.260 to 30.300 for the purposes of
11 any claims arising out of services that are provided through those centers or facilities under ORS
12 401.651 to 401.670 pursuant to directions from a public body and that are within the course and
13 scope of the duties of the health care facility or other person, without regard to whether the health
14 care facility or other person is compensated for the services.

15 “(3) An emergency health care provider registered under ORS 401.654 participating in training
16 authorized by the Oregon Health Authority under ORS 401.651 to 401.670 is an agent of the state
17 under ORS 30.260 to 30.300 for the purposes of any claims arising out of that training.

18 “(4) The provisions of subsection (2) of this section apply only to emergency health care centers
19 or health care facilities that have adopted emergency operations plans and credentialing plans that
20 govern the use of emergency health care providers registered under ORS 401.654 and other health
21 care providers who volunteer to perform health care services under ORS 401.651 to 401.670. An
22 emergency operations plan and a credentialing plan must comply with rules governing those plans
23 adopted by the authority.

24 “**SECTION 9.** ORS 401.667 is amended to read:

25 “401.667. (1) *[If the Governor declares a state of emergency under ORS 401.165, or declares a state*
26 *of public health emergency under ORS 433.441]* **During a health care emergency**, emergency health
27 care providers registered under ORS 401.654 and other health care providers who volunteer to per-
28 form health care services under ORS 401.651 to 401.670 are agents of the state under ORS 30.260
29 to 30.300 for the purposes of any claims arising out of services that are provided under ORS 401.651
30 to 401.670 pursuant to directions from a public body and that are within the course and scope of the
31 health care provider’s duties, without regard to whether the health care provider is compensated for
32 the services.

33 “(2) *[If the Governor declares a state of emergency under ORS 401.165, or declares a state of public*
34 *health emergency under ORS 433.441]* **During a health care emergency**, health care facilities des-
35 ignated under ORS 401.657 and other persons operating emergency health care centers designated
36 under ORS 401.657 are agents of the state under ORS 30.260 to 30.300 for the purposes of any claims
37 arising out of services that are provided through those centers or facilities under ORS 401.651 to
38 401.670 pursuant to directions from a public body and that are within the course and scope of the
39 duties of the health care facility or other person, without regard to whether the health care facility
40 or other person is compensated for the services.

41 “(3) An emergency health care provider registered under ORS 401.654 participating in training
42 authorized by the Oregon Health Authority under ORS 401.651 to 401.670 is an agent of the state
43 under ORS 30.260 to 30.300 for the purposes of any claims arising out of that training.

44 “(4) The provisions of subsection (2) of this section apply only to emergency health care centers
45 or health care facilities that have adopted emergency operations plans and credentialing plans that

1 govern the use of emergency health care providers registered under ORS 401.654 and other health
2 care providers who volunteer to perform health care services under ORS 401.651 to 401.670. An
3 emergency operations plan and a credentialing plan must comply with rules governing those plans
4 adopted by the authority.

5 “**SECTION 10.** ORS 431A.015 is amended to read:

6 “431A.015. (1) Unless the Governor has declared a public health emergency under ORS 433.441,
7 the Public Health Director may, upon approval of the Governor or the designee of the Governor,
8 take the public health actions described in subsection (2) of this section if the Public Health Direc-
9 tor determines that:

10 “(a)(A) A communicable disease, reportable disease, disease outbreak, epidemic or other condi-
11 tion of public health importance has affected more than one county;

12 “(B) There is an immediate need for a consistent response from the state in order to adequately
13 protect the public health;

14 “(C) The resources of the local public health authority or authorities are likely to be quickly
15 overwhelmed or unable to effectively manage the required response; and

16 “(D) There is a significant risk to the public health; or

17 “(b) A communicable disease, reportable disease, disease outbreak, epidemic or other condition
18 of public health importance is reported in Oregon and is an issue of significant regional or national
19 concern or is an issue for which there is significant involvement from federal authorities requiring
20 state-federal coordination.

21 “(2) The Public Health Director, after making the determinations required under subsection (1)
22 of this section, may take the following public health actions:

23 “(a) Coordinate the public health response across jurisdictions.

24 “(b) Prescribe measures for the:

25 “(A) Identification, assessment and control of the communicable disease or reportable disease,
26 disease outbreak, epidemic or other condition of public health importance; and

27 “(B) Allocation and distribution of antitoxins, serums, vaccines, immunizing agents, antibiotics,
28 antidotes and other pharmaceutical agents, medical supplies or personal protective equipment.

29 “(c) After consultation with appropriate medical experts, create and require the use of diagnos-
30 tic and treatment guidelines and provide notice of those guidelines to health care providers, insti-
31 tutions and facilities.

32 “(d) Require a person to obtain treatment and use appropriate prophylactic measures to prevent
33 the introduction or spread of a communicable disease or reportable disease, unless:

34 “(A) The person has a medical diagnosis for which a vaccination is contraindicated; or

35 “(B) The person has a religious or conscientious objection to the required treatments or
36 prophylactic measures.

37 “(e) Notwithstanding ORS 332.075, direct a district school board to close a children’s facility or
38 school under the jurisdiction of the board. The authority granted to the Public Health Director un-
39 der this paragraph supersedes the authority granted to the district school board under ORS 332.075
40 to the extent the authority granted to the board is inconsistent with the authority granted to the
41 director.

42 “(f) Issue guidelines for private businesses regarding appropriate work restrictions.

43 “(g) Organize public information activities regarding the public health response to circumstances
44 described in subsection (1) of this section.

45 “(h) Adopt reporting requirements for, and provide notice of those reporting requirements to,

1 health care providers, institutions and facilities for the purpose of obtaining information directly
2 related to the public health threat presented.

3 “(i) Take control of antitoxins, serums, vaccines, immunizing agents, antibiotics, antidotes and
4 other pharmaceutical agents, medical supplies or personal protective equipment.

5 “(j) **Direct and deploy emergency health care providers under ORS 401.661.**

6 “(3) The authority granted to the Public Health Director under this section is not intended to
7 override the general authority provided to a local public health authority except as already per-
8 mitted by law, or under the circumstances described in subsection (1) of this section.

9 “(4) If the Oregon Health Authority adopts temporary rules to implement subsection (2) of this
10 section, the rules adopted are not subject to the provisions of ORS 183.335 (6)(a). The authority may
11 amend the temporary rules adopted under this subsection as often as is necessary to respond to the
12 public health threat.

13 “(5) If it is necessary for the authority to purchase antitoxins, serums, vaccines, immunizing
14 agents, antibiotics, antidotes or other pharmaceutical agents, medical supplies or personal protective
15 equipment, the purchases are not subject to the provisions of ORS chapter 279A, 279B or 279C.

16 “(6) If property is taken under the authority granted to the Public Health Director under sub-
17 section (2) of this section, the owner of the property is entitled to reasonable compensation from the
18 state.

19 “**SECTION 11. Section 12 of this 2022 Act is added to and made a part of ORS chapter 656.**

20 “**SECTION 12. (1) The Oregon Health Authority shall provide workers’ compensation**
21 **coverage for volunteer emergency health care providers registered under ORS 401.654 who**
22 **are injured in the course and scope of performing emergency health care services if the in-**
23 **jury occurs:**

24 “(a) **While the volunteer is performing health care services at the direction of the au-**
25 **thority under ORS 401.661; or**

26 “(b) **While the volunteer is engaged in training being conducted or approved by the au-**
27 **thority for the purpose of preparing the volunteer to perform emergency health care ser-**
28 **vices.**

29 “(2) **Workers’ compensation coverage shall be provided under this section in the manner**
30 **provided by ORS 656.039.**

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32 “**PHARMACY BENEFIT MANAGERS**

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34 “**SECTION 13.** Section 5, chapter 526, Oregon Laws 2019, is amended to read:

35 “**Sec. 5.** [Section 2 of this 2019 Act] **ORS 735.536** and the amendments to ORS 735.530 and
36 735.534 by sections 3 and 4, [of this 2019 Act] **chapter 526, Oregon Laws 2019**, apply to pharmacy
37 benefits and to contracts between pharmacies or pharmacists and pharmacy benefit managers:

38 “(1) Entered into, renewed or extended on or after January 1, 2021.

39 “(2) **Automatically renewed on or after January 1, 2023.**

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41 “**CAPTIONS**

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43 “**SECTION 14.** **The unit captions used in this 2022 Act are provided only for the conven-**
44 **ience of the reader and do not become part of the statutory law of this state or express any**
45 **legislative intent in the enactment of this 2022 Act.**

“EFFECTIVE DATE

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“SECTION 15. This 2022 Act being necessary for the immediate preservation of the public peace, health and safety, an emergency is declared to exist, and this 2022 Act takes effect on its passage.”.
