

House Bill 3592

Sponsored by Representative HUDSON, Senator GORSEK, Representative RUIZ; Representative TRAN, Senator PATTERSON

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**.

Requires general hospital licensed in Oregon to provide maternity services subject to exemption that Oregon Health Authority may allow under criteria prescribed by rule.

Declares emergency, effective on passage.

A BILL FOR AN ACT

1
2 Relating to maternity services; creating new provisions; and amending ORS 442.860; and declaring
3 an emergency.

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

5 **SECTION 1.** ORS 442.860 is amended to read:

6 442.860. (1) The Legislative Assembly finds and declares that:

7 [(1)] (a) Maternity care is the cornerstone of health care delivery in the state. It provides a
8 proven, cost-effective foundation for improving the health of all Oregonians, and a healthy start in
9 life allows our future citizens to achieve their full potential.

10 [(2)] (b) Although great strides have been made to improve maternity care, barriers continue to
11 exist as indicated by high rates of inadequate prenatal care and lack of coordination between
12 prenatal and delivery services.

13 [(3)] (c) Individual communities have unique combinations of barriers and resources. Therefore,
14 planning and solutions must be developed at the local level whenever possible, with the state pro-
15 viding guidelines, standards and support.

16 [(4)] (d) Local resources are strained and communities need a structure and technical assistance
17 to [assure] **ensure** development of access to a coordinated system of maternity care.

18 [(5)] (e) There is a need for a system to [assure] **ensure** coordination of all maternity service
19 providers to develop a comprehensive service system for Oregon that addresses all barriers to guide
20 the state's action in this area.

21 [(6)(a)] (f) Therefore, it is the intent of this state that there shall be a comprehensive system
22 of maternity care [based on the plan] that includes prenatal, delivery and postpartum care and that
23 meets the unique needs of the **pregnant** individual [pregnant woman], available to all pregnant
24 [women] **individuals** in this state.

25 [(b) As used in this subsection, "plan" means the Maternity Care Access Planning Commission's
26 comprehensive statewide plan for a maternity care system dated March 1993 and titled "Comprehensive
27 Perinatal Health Services: A Strategy Toward Universal Access to Care in Oregon."]

28 **(2) A hospital that is licensed under ORS 441.025 as a general hospital shall provide ma-**
29 **ternity services. The Oregon Health Authority may prescribe by rule criteria for exempting**
30 **a general hospital from providing maternity services. The criteria shall include but are not**

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 **limited to a conclusive determination that the failure to provide maternity services or the**
2 **termination of or limitation on the provision of maternity services will not adversely impact:**

3 **(a) Pregnant individuals in the community served by the general hospital;**

4 **(b) Pregnant individuals who live in rural or frontier areas as designated by the Office**
5 **of Rural Health;**

6 **(c) Pregnant individuals of color;**

7 **(d) Pregnant low-income individuals;**

8 **(e) Pregnant individuals with disabilities;**

9 **(f) Pregnant individuals who identify as lesbian, gay, bisexual, transgender or queer;**

10 **(g) Any member of a class protected from discrimination under ORS 659A.003; and**

11 **(h) Access to emergency medical services in the community served by the general hos-**
12 **pital.**

13 **(3) The authority may request any records or other data from a hospital necessary to**
14 **consider a request from the hospital for an exemption under subsection (2) of this section.**

15 **The hospital shall be responsible for the cost of collecting and submitting the data.**

16 **SECTION 2. ORS 442.860 is added to and made a part of ORS chapter 441.**

17 **SECTION 3. This 2023 Act being necessary for the immediate preservation of the public**
18 **peace, health and safety, an emergency is declared to exist, and this 2023 Act takes effect**
19 **on its passage.**

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