

Requested by Senator HAYDEN

**PROPOSED MINORITY REPORT AMENDMENTS TO
A-ENGROSSED HOUSE BILL 4130**

1 On page 2 of the printed A-engrossed bill, line 14, after the first semicolon
2 delete the rest of the line and lines 15 through 39 and insert “and declaring
3 an emergency.”.

4 Delete lines 41 through 45 and delete pages 3 through 22 and insert:

5 **“SECTION 1. (1) The Legislative Policy and Research Director shall**
6 **study the effects of business entities engaging in the practice of med-**
7 **icine in this state and shall report the director’s findings to an interim**
8 **committee of the Legislative Assembly related to health care policy**
9 **not later than November 1, 2024.**

10 **“(2) In the study described in subsection (1) of this section, the di-**
11 **rector shall research, develop an understanding of and make policy**
12 **recommendations, including possible legislation, with respect to the**
13 **following issues:**

14 **“(a) The extent to which a fiduciary duty to owners of shares or**
15 **interests in business entities that employ or contract with licensed**
16 **professionals to provide health care services can, and does, conflict**
17 **with the duty the licensed professionals have to patients to render**
18 **appropriate and necessary health care services;**

19 **“(b) The extent to which the existing laws of this state are adequate**
20 **or inadequate to ensure that licensed professionals remain in control**
21 **of clinical practices and decisions that affect patients and patient**

1 **health care services;**

2 **“(c) Whether business entities are creating or using business**
3 **structures, contracts or other methods and means to evade or skirt**
4 **the intent, as expressed in ORS 58.375 and 58.376, to keep medical de-**
5 **cision making in the hands of licensed professionals;**

6 **“(d) Whether ownership, management or employment with both a**
7 **medical practice and a business entity that has a contract with the**
8 **medical practice can and does introduce conflicts of interest for the**
9 **owner, manager or employee;**

10 **“(e) Whether business entities that provide health care services are**
11 **using noncompetition agreements, nondisclosure agreements or**
12 **nondisparagement agreements with licensed professionals as a means**
13 **to unduly restrict competition for professional services or as insu-**
14 **lation against legitimate disclosure or criticism of the business**
15 **entities’ practices and decisions with respect to providing health care**
16 **services;**

17 **“(f) Which practices, methods or means business entities use or**
18 **have used, if any, to evade or skirt the intent to keep medical decision**
19 **making in the hands of licensed professionals, to allow conflicts of**
20 **interest among owners, managers, employees and contractors, to re-**
21 **strict competition or to insulate against legitimate disclosure or criti-**
22 **cism and the extent to which the practices, methods and means have**
23 **succeeded in reducing the role of professional expertise and judgment**
24 **and the control over clinical practices and medical decision making**
25 **that licensed professionals ordinarily exercise over the provision of**
26 **health care services; and**

27 **“(g) Which remedies would effectively eliminate practices, methods**
28 **or means that result in harm to patients or to the provision of health**
29 **care services or that reduce the role of professional expertise and**
30 **judgment and the control over clinical practices and medical decision**

1 making that licensed professionals ordinarily exercise over the pro-
2 vision of health care services.

3 “(3) Before completing the report described in subsection (1) of this
4 section, the director shall convene a work group to receive data and
5 input, to discuss, consider and evaluate options and to otherwise pro-
6 vide needed expertise concerning the issues specified in subsection (2)
7 of this section. The report the director submits must consist of the
8 director’s independent summary of the data and recommendations
9 based on the evidence and input the director collects from the work
10 group, along with the director’s own research and evaluations, and
11 may not consist only of a summary of the work group’s proceedings
12 and discussions.

13 “(4) The work group described in subsection (3) of this section must
14 include representation from at least these groups or interests:

15 “(a) Physicians, physician assistants, nurse practitioners, practi-
16 tioners of naturopathic medicine and other health care professionals;

17 “(b) The Oregon Medical Board, the Oregon State Board of Nursing
18 and the Oregon Board of Naturopathic Medicine;

19 “(c) Business entities that employ or contract with licensed profes-
20 sionals to provide health care services in this state;

21 “(d) Attorneys with expertise in corporate governance issues; and

22 “(e) Other health care policy experts or researchers that the direc-
23 tor determines would provide needed information or expertise.

24 “SECTION 2. Section 1 of this 2024 Act is repealed on December 31,
25 2024.

26 “SECTION 3. This 2024 Act being necessary for the immediate
27 preservation of the public peace, health and safety, an emergency is
28 declared to exist, and this 2024 Act takes effect on its passage.”.

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