

A-Engrossed House Bill 2943

Ordered by the House April 7
Including House Amendments dated April 7

Sponsored by Representative NELSON; Representatives CHAICHI, JAVADI, WALTERS (at the request of Cascade AIDS Project - Portland) (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. The statement includes a measure digest written in compliance with applicable readability standards.

Digest: Tells OHA to make a pilot program where a hospital may conduct certain STI tests when a person has other blood tests done at the ED, unless the person opts out of the test. (Flesch Readability Score: 60.3).

[Digest: Directs a hospital to conduct an HIV test and a syphilis test when a person has other blood tests done at the ED, unless the person opts out of the test. (Flesch Readability Score: 63.4).]

[Directs a hospital to conduct HIV and syphilis screening when an individual undergoes a blood test or analysis as part of medical care received within an emergency department, unless the individual declines a test. Provides for exceptions.]

[Requires health insurance coverage of HIV and syphilis screening conducted at a hospital emergency department.]

Directs the Oregon Health Authority to establish a voluntary pilot program where participating hospitals may screen an eligible individual for hepatitis C, HIV and syphilis when the eligible individual undergoes a blood test or analysis as part of medical care received within an emergency department. Requires a participating hospital to give the eligible individual notice and opportunity to decline the tests. Defines "eligible individual."

Directs the authority to submit a report on the outcomes and findings from the pilot program to the committees or interim committees of the Legislative Assembly related to health care not later than September 15, 2029.

Requires health insurance coverage of the tests conducted under the pilot program.

Appropriates moneys from the General Fund to the Oregon Health Authority to cover costs incurred by counties in carrying out investigation and outreach related to the increase in HIV and syphilis screening.

Takes effect on the 91st day following adjournment sine die.

A BILL FOR AN ACT

1
2 Relating to public health testing; and prescribing an effective date.

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

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

5 (a) "Eligible individual" means an individual who:

6 (A) Is 15 years of age or older and younger than 66 years of age;

7 (B) Does not have a known history of a positive HIV test; and

8 (C) Has not been screened for hepatitis C, human immunodeficiency virus or syphilis
9 within the last calendar year.

10 (b) "Emergency medical services provider" has the meaning given that term in ORS
11 682.025.

12 (c) "Health care provider" or "provider" means a person who is licensed, certified or
13 otherwise authorized by law in this state to administer health care in the ordinary course
14 of business or in the practice of a health care profession.

15 (d) "Hepatitis C test" means a test of an individual for the presence of the hepatitis C

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 virus, or for antibodies or antigens that result from a hepatitis C virus infection, or for any
2 other substance specifically indicating a hepatitis C virus infection.

3 (e) "HIV test" has the meaning given that term in ORS 433.045.

4 (f) "Hospital" has the meaning given that term in ORS 442.015.

5 (g) "Screen for hepatitis C, human immunodeficiency virus and syphilis" means to con-
6 duct a hepatitis C test, an HIV test and a syphilis test.

7 (h) "Syphilis test" means a test of an individual for the presence of the bacterium
8 *Treponema pallidum*, or for antibodies or antigens that result from a *Treponema pallidum*
9 infection, or for any other substance specifically indicating an infection that causes syphilis.

10 (2) The Oregon Health Authority shall establish a pilot program where a hospital that is
11 participating in the pilot program may screen eligible individuals for hepatitis C, human
12 immunodeficiency virus and syphilis. A hospital may choose whether to participate in the
13 pilot program. The authority shall select hospitals to participate in the pilot program such
14 that there are at least three hospitals participating. When selecting hospitals, the authority
15 shall ensure that:

16 (a) The hospitals are located in different areas of the state;

17 (b) The program includes hospitals from urban, suburban and rural areas;

18 (c) At least one hospital is either a type A or type B hospital, as those terms are de-
19 scribed in ORS 442.470; and

20 (d) There is variety in the number of beds that the hospitals have.

21 (3) A hospital that is participating in the pilot program established under this section
22 shall follow the protocols described under subsections (4) to (7) of this section for screening
23 eligible individuals for hepatitis C, human immunodeficiency virus and syphilis.

24 (4) Subject to subsections (5) to (7) of this section, when an eligible individual consents
25 to receiving medical care within a hospital emergency department and the medical care in-
26 cludes taking a blood sample or using a blood sample taken by an emergency medical services
27 provider for laboratory testing or analysis, the hospital shall use the blood specimen to
28 screen for hepatitis C, human immunodeficiency virus and syphilis.

29 (5) When conducting an HIV test under this section, a hospital emergency department
30 health care provider or the provider's designee shall follow the requirements and procedures
31 for administering an HIV test under ORS 433.045.

32 (6)(a) When conducting a hepatitis C or syphilis test under this section, a hospital
33 emergency department health care provider or the provider's designee shall, before subject-
34 ing an eligible individual to a hepatitis C or syphilis test:

35 (A) Notify the individual being tested; and

36 (B) Allow the individual being tested the opportunity to decline the test.

37 (b) The notification and opportunity to decline testing required under paragraph (a) of
38 this subsection may be verbal or in writing and may be contained in a general medical con-
39 sent form.

40 (7) A hospital may not conduct a hepatitis C test, HIV test or syphilis test under this
41 section if an eligible individual is unable to grant or withhold consent.

42 (8) A person who complies with the requirements of this section is not subject to an
43 action for civil damages.

44 (9) The authority may adopt rules to carry out the provisions of this section, including
45 rules to ensure the exercise of best practices.

1 **(10) At the conclusion of the pilot program established under this section, but no later**
2 **than September 15, 2029, the authority shall submit a report on the outcomes and findings**
3 **from the pilot program in the manner provided by ORS 192.245, and may include recommen-**
4 **dations for legislation, to the committees or interim committees of the Legislative Assembly**
5 **related to health care.**

6 **SECTION 2.** Section 3 of this 2025 Act is added to and made a part of the Insurance Code.

7 **SECTION 3.** (1) A policy or certificate of health insurance that reimburses the cost of
8 services delivered by a hospital that is participating in the pilot program established under
9 section 1 of this 2025 Act shall reimburse the costs of conducting a hepatitis C, HIV or
10 syphilis test that is incurred by the hospital in participating in the pilot program established
11 under section 1 of this 2025 Act.

12 (2) This section is exempt from ORS 743A.001.

13 **SECTION 4.** Section 3 of this 2025 Act applies to policies and certificates of health in-
14 surance issued, renewed or extended on or after the effective date of this 2025 Act.

15 **SECTION 5.** Sections 1 and 3 of this 2025 Act are repealed on January 2, 2030.

16 **SECTION 6.** In addition to and not in lieu of any other appropriation, there is appropri-
17 ated to the Oregon Health Authority, for the biennium beginning July 1, 2025, out of the
18 General Fund, the amount of \$4,000,000, which may be expended to cover costs incurred by
19 counties in carrying out additional investigation and outreach related to the increase in
20 hepatitis C, HIV and syphilis testing conducted under section 1 of this 2025 Act.

21 **SECTION 7.** This 2025 Act takes effect on the 91st day after the date on which the 2025
22 regular session of the Eighty-third Legislative Assembly adjourns sine die.

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