

# Senate Bill 837

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## 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**. The statement includes a measure digest written in compliance with applicable readability standards.

Digest: The Act changes the health care volunteer registry known as SERV-OR. The Act allows more types of people to join and allows for the use of volunteers outside of a declared emergency. (Flesch Readability Score: 63.6).

Modifies laws governing the emergency health care provider registry to allow a broader range of volunteer services and allow deployment of volunteers outside of declared emergencies.

Requires the Oregon Health Authority to provide workers' compensation coverage for volunteers who provide services in other states pursuant to certain interstate agreements.

## A BILL FOR AN ACT

1  
2 Relating to a volunteer registry; amending ORS 401.651, 401.654, 401.655, 401.657, 401.658, 401.661,  
3 401.664, 401.667, 431A.015 and 656.047.

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

5 **SECTION 1.** ORS 401.651 is amended to read:

6 401.651. As used in ORS 401.651 to 401.670:

7 (1) "Health care facility" means a health care facility as defined in ORS 442.015 that has been  
8 licensed under ORS chapter 441.

9 (2) "Health care provider" means[:]

10 [(a)] an individual licensed, certified or otherwise authorized or permitted by the laws of this  
11 state or another state to administer health care services in the ordinary course of business or  
12 practice of a profession[; and]

13 [(b) *A person entered in the emergency health care provider registry under ORS 401.658*].

14 (3)(a) **"Health care worker" means an individual who is not a health care provider but**  
15 **who works directly with patients or health care providers to prevent, diagnose, treat or**  
16 **manage diseases or illnesses.**

17 (b) **"Health care worker" includes, without limitation, allied health professionals, psy-**  
18 **chiatric and home health aides, occupational therapy and physical therapist assistants and**  
19 **aides, dental, medical, nursing and veterinary assistants, phlebotomists, medical**  
20 **transcriptionists, medical equipment preparers and medical interpreters.**

21 [(3)] (4) "Health professional regulatory board" means a health professional regulatory board,  
22 as defined in ORS 676.160, the Long Term Care Administrators Board, the Board of Licensed  
23 Dietitians and the Behavior Analysis Regulatory Board.

24 (5) **"Other health care personnel" means an individual who is not a health care provider**  
25 **or health care worker, and who works to enable the provision of health care or public health**  
26 **services, including medical or nonmedical operations support, management or adminis-**  
27 **tration.**

**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       **SECTION 2.** ORS 401.654 is amended to read:

2       401.654. (1) The Oregon Health Authority may establish [*an emergency health care provider*] a  
3 **volunteer** registry that includes [*emergency*] health care providers, **health care workers and other**  
4 **health care personnel** who are available to provide health care, **public health and supportive**  
5 services [*during an emergency or crisis*] **on a voluntary basis**. As a condition of inclusion in the  
6 registry, the authority may require:

7       (a) Training related to the provision of health care, **public health or other** services [*in an*  
8 *emergency or crisis*] as a condition of registration; [*and*]

9       (b) Criminal background checks for applicants and persons who have been registered[.]; **and**

10       (c) **Screenings of physical health, emotional health or immunization status in order to**  
11 **collect information about baseline status, support assignment to appropriate duties and**  
12 **support interpretation of possible post-deployment adverse effects.**

13       (2) The authority [*shall*] **may** issue identification cards to [*health care providers*] **individuals**  
14 entered in the [*emergency health care provider*] registry established under this section that:

15       (a) Identify the [*health care provider*] **individual**;

16       (b) Indicate that the [*health care provider*] **individual** is registered [*as an Oregon emergency*  
17 *health care provider*] **in the registry established under this section**;

18       (c) Identify [*the*] **any** license or certification held by the [*health care provider*] **individual**, or  
19 previously held by the [*health care provider*] **individual** if the [*health care provider*] **individual** is  
20 entered in the [*emergency health care provider*] registry [*under*] **pursuant to** ORS 401.658; and

21       (d) Identify the [*health care provider's*] **individual's** usual area of practice, and the types of  
22 [*health care*] **services** that the [*health care provider*] **individual** is authorized to provide, if that in-  
23 formation is available and the authority determines that it is appropriate to provide that informa-  
24 tion.

25       (3) The authority by rule [*shall*] **may** establish a form for identification cards issued under sub-  
26 section (2) of this section.

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

30       (5) The authority may enter into agreements with other states to facilitate the registry of out-  
31 of-state health care providers, **health care workers or other health care personnel** in the [*emer-*  
32 *gency health care provider*] registry established under this section.

33       **SECTION 3.** ORS 401.655 is amended to read:

34       401.655. [*During a state of emergency declared under ORS 401.165 or a state of public health*  
35 *emergency declared under ORS 433.441*] **Subject to the direction of the Oregon Health**  
36 **Authority**, a health care provider who is licensed, certified or otherwise authorized or permitted  
37 by the laws of another state to administer health care services and who is registered under ORS  
38 401.654 may administer health care services in this state as if the health care provider were licensed  
39 in this state.

40       **SECTION 4.** ORS 401.657 is amended to read:

41       401.657. (1) The Oregon Health Authority may designate all or part of a health care facility or  
42 other location as [*an emergency health care center*] a **temporary public health center**. [*If the Gov-*  
43 *ernor declares a state of emergency under ORS 401.165, or declares a state of public health emergency*  
44 *under ORS 433.441, emergency health care centers*] **At the direction of the Oregon Health Au-**  
45 **thority, temporary public health centers** may be used for:

- 1 (a) Evaluation and referral of individuals affected by *[the]* **a crisis or** emergency;  
 2 (b) Provision of health care services; and  
 3 (c) Preparation of patients for transportation.

4 (2) The Oregon Health Authority may enter into cooperative agreements with a local public  
 5 health authority, as defined in ORS 431.003, that allow the local public health authority to designate  
 6 *[emergency health care centers]* **temporary public health centers** under this section.

7 (3) *[An emergency health care center]* **A temporary public health center** designated under this  
 8 section must have *[an emergency]* **a volunteer** operations plan and a credentialing plan that governs  
 9 the use of *[emergency health care providers]* **individuals** registered under ORS 401.654 and *[other]*  
 10 health care providers who volunteer to perform health care services at the center under ORS  
 11 401.651 to 401.670. The *[emergency]* **volunteer** operations plan and credentialing plan must comply  
 12 with rules governing those plans adopted by the Oregon Health Authority.

13 **SECTION 5.** ORS 401.658 is amended to read:

14 401.658. (1) The Oregon Health Authority may include in the *[emergency health care provider]*  
 15 registry established under ORS 401.654 a person who was previously licensed, certified or otherwise  
 16 authorized to provide health care services in Oregon by a health professional regulatory board if:

17 (a) The person was licensed, certified or otherwise authorized to provide health care services  
 18 not more than 10 years before entry in the registry; and

19 (b) The person meets such other criteria as may be established by the authority.

20 (2) Notwithstanding any other law prohibiting a person from providing health care services  
 21 without a license, certificate or other authorization from a health professional regulatory board, a  
 22 person entered in the *[emergency health care provider]* registry under subsection (1) of this section  
 23 may provide health care services *[during a state of emergency declared under ORS 401.165 or a state*  
 24 *of public health emergency declared under ORS 433.441]* without a license, certification or other au-  
 25 thorization if:

26 (a) The person is in compliance with all rules adopted by the authority for persons providing  
 27 health care services under this section; and

28 (b) The authority has directed the person to provide health care services under ORS 401.661 (1).

29 (3) The authority may adopt rules, after consulting with the appropriate health professional  
 30 regulatory boards, that establish criteria and requirements for including persons in the *[emergency*  
 31 *health care provider]* registry under this section, including but not limited to:

32 (a) Educational requirements;

33 (b) Training requirements;

34 (c) Verification of previous licenses, certifications or other authorization by a health profes-  
 35 sional regulatory board;

36 (d) Verification that the previous licenses, certifications or other authorization of the person  
 37 was not revoked by reason of unprofessional conduct or any other reason that would affect the  
 38 person's ability to safely provide health care services; and

39 (e) Limitations on the type of health care services that may be provided by the person under this  
 40 section and the places at which those services may be provided.

41 **SECTION 6.** ORS 401.661 is amended to read:

42 401.661. *[If the Governor declares a state of emergency under ORS 401.165 or declares a state of*  
 43 *public health emergency under ORS 433.441:]*

44 (1) The Oregon Health Authority, in conjunction with the Department of Human Services for  
 45 facilities licensed by the department, may direct *[emergency health care providers]* **individuals** reg-

1 istered under ORS 401.654 who are willing to provide *[health care]* **volunteer** services to proceed  
 2 to any place in this state where *[health care]* **such** services are required *[by reason of the emergency*  
 3 *or crisis;]*.

4 (2) Pursuant to the Emergency Management Assistance Compact and the Pacific Northwest  
 5 Emergency Management Arrangement, the Oregon Health Authority may direct *[emergency health*  
 6 *care providers]* **individuals** registered under ORS 401.654 who are willing to provide *[health care]*  
 7 **volunteer** services in another state to proceed to another state where *[emergency health care]* **such**  
 8 services are required by reason of an emergency in that state<sup>;</sup> *and]*.

9 (3) Any *[emergency health care provider]* **individual** registered under ORS 401.654 or *[other]* **any**  
 10 health care provider may volunteer to perform *[health care]* services described in ORS 401.657 at any  
 11 *[emergency health care center]* **temporary public health center designated under ORS 401.657**, or  
 12 health care facility, in the manner provided by ORS 401.664.

13 **SECTION 7.** ORS 401.664 is amended to read:

14 401.664. (1) *[Emergency health care providers]* **Individuals** registered under ORS 401.654 and  
 15 *[other]* health care providers who volunteer to perform *[health care]* services under ORS 401.651 to  
 16 401.670 must provide those services in accordance with the *[emergency]* **volunteer** operations plan  
 17 and credentialing plan adopted by the *[emergency health care center]* **temporary public health**  
 18 **center** or *[by]* the health care facility at which the services are rendered.

19 (2) *[An emergency health care center]* **A temporary public health center** or health care facility  
 20 may determine the services to be provided by any *[emergency health care provider]* **individual** reg-  
 21 istered under ORS 401.654 or *[other]* **any** health care provider who volunteers to perform health care  
 22 services under ORS 401.651 to 401.670.

23 **SECTION 8.** ORS 401.667 is amended to read:

24 401.667. (1) *[If the Governor declares a state of emergency under ORS 401.165, or declares a state*  
 25 *of public health emergency under ORS 433.441, emergency health care providers]* **Individuals** regis-  
 26 tered under ORS 401.654 and *[other]* health care providers who volunteer to perform health care  
 27 services under ORS 401.651 to 401.670 are agents of the state under ORS 30.260 to 30.300 for the  
 28 purposes of any claims arising out of services that are provided under ORS 401.651 to 401.670 pur-  
 29 suant to directions from a public body and that are within the course and scope of the *[health care*  
 30 *provider's]* **individual's** duties, without regard to whether the *[health care provider]* **individual** is  
 31 compensated for the services.

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

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

45 (4) The provisions of subsection (2) of this section apply only to *[emergency health care centers]*

1 **temporary public health centers** or health care facilities that have adopted [*emergency*] **volunteer**  
 2 operations plans and credentialing plans that govern the use of [*emergency health care providers*]  
 3 **individuals** registered under ORS 401.654 and [*other*] health care providers who volunteer to per-  
 4 form health care services under ORS 401.651 to 401.670. [*An emergency*] **A volunteer** operations  
 5 plan and a credentialing plan must comply with rules governing those plans adopted by the author-  
 6 ity.

7 **SECTION 9.** ORS 656.047 is amended to read:

8 656.047. (1) The Oregon Health Authority shall provide workers' compensation coverage for  
 9 [*volunteer emergency health care providers*] **individuals** registered under ORS 401.654 who are in-  
 10 jured in the course and scope of performing [*emergency health care*] **volunteer** services if the injury  
 11 occurs:

12 (a) While the [*volunteer*] **individual** is performing [*health care*] services at the direction of the  
 13 authority under ORS 401.661; [*or*]

14 (b) While the [*volunteer*] **individual** is engaged in training being conducted or approved by the  
 15 authority for the purpose of preparing the [*volunteer*] **individual** to perform [*emergency health care*]  
 16 services[.]; **or**

17 **(c) While the individual is performing services at the direction of the authority, pursuant**  
 18 **to the Emergency Management Assistance Compact and the Pacific Northwest Emergency**  
 19 **Management Arrangement, in another state where such services are required by reason of**  
 20 **an emergency in that state.**

21 (2) Workers' compensation coverage shall be provided under this section in the manner provided  
 22 by ORS 656.039.

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

24 431A.015. (1) Unless the Governor has declared a public health emergency under ORS 433.441,  
 25 the Public Health Director may, upon approval of the Governor or the designee of the Governor,  
 26 take the public health actions described in subsection (2) of this section if the Public Health Direc-  
 27 tor determines that:

28 (a)(A) A communicable disease, reportable disease, disease outbreak, epidemic or other condition  
 29 of public health importance has affected more than one county;

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

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

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

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

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

41 (a) Coordinate the public health response across jurisdictions.

42 (b) Prescribe measures for the:

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

45 (B) Allocation and distribution of antitoxins, serums, vaccines, immunizing agents, antibiotics,

1    antidotes and other pharmaceutical agents, medical supplies or personal protective equipment.

2       (c) After consultation with appropriate medical experts, create and require the use of diagnostic  
3    and treatment guidelines and provide notice of those guidelines to health care providers, institutions  
4    and facilities.

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

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

8       (B) The person has a religious or conscientious objection to the required treatments or  
9    prophylactic measures.

10      (e) Notwithstanding ORS 332.075, direct a district school board to close a children's facility or  
11    school under the jurisdiction of the board. The authority granted to the Public Health Director un-  
12    der this paragraph supersedes the authority granted to the district school board under ORS 332.075  
13    to the extent the authority granted to the board is inconsistent with the authority granted to the  
14    director.

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

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

18      (h) Adopt reporting requirements for, and provide notice of those reporting requirements to,  
19    health care providers, institutions and facilities for the purpose of obtaining information directly  
20    related to the public health threat presented.

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

23      (j) Direct and deploy [*emergency health care providers*] **volunteers** under ORS 401.661.

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

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

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

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

37