

Requested by Representative NATHANSON

**PROPOSED AMENDMENTS TO  
HOUSE BILL 3234**

1 On page 1 of the printed bill, line 2, after the first semicolon delete the  
2 rest of the line and line 3 and insert “and declaring an emergency.”.

3 Delete lines 5 through 25 and delete page 2 and insert:

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

5 **“(a) ‘Affiliate’ means a person that controls, is controlled by or is**  
6 **under common control with another person, whether by ownership of**  
7 **an interest in the person or the other person, or by means of a con-**  
8 **tractual arrangement or other agreement that provides for the right**  
9 **to direct the management of the person or the other person.**

10 **“(b) ‘Health care provider’ has the meaning given that term in ORS**  
11 **413.164.**

12 **“(c) ‘Health insurance’ has the meaning given that term in ORS**  
13 **731.162.**

14 **“(d) ‘Insurer’ has the meaning given that term in ORS 731.106.**

15 **“(e)(A) ‘Responsible person’ means:**

16 **“(i) An insurer that issues policies of health insurance in this state;**

17 **“(ii) A pharmacy benefit manager, as defined in ORS 735.530;**

18 **“(iii) A pharmacy services administrative organization, as defined**  
19 **in section 2, chapter 87, Oregon Laws 2024;**

20 **“(iv) A person that provides services for or on behalf of a health**  
21 **care provider that include:**

1       **“(I) Payroll;**  
2       **“(II) Human resources;**  
3       **“(III) Employment screening;**  
4       **“(IV) Employee relations; or**  
5       **“(V) Any other administrative or business service that supports or**  
6       **enables a health care provider to provide health care but that does not**  
7       **constitute practicing medicine, as described in ORS 677.085, or enabling**  
8       **physicians, physician associates and nurse practitioners to jointly**  
9       **render professional health care services; or**  
10       **“(v) A person that employs a health care provider or furnishes**  
11       **clinical facilities, offices, equipment or other means by which a health**  
12       **care provider may provide health care or services related to health**  
13       **care.**  
14       **“(B) ‘Responsible person’ does not include a health care provider.**  
15       **“(2) A responsible person or an affiliate of a responsible person may**  
16       **not:**  
17       **“(a) Direct or require a health care provider to:**  
18       **“(A) Spend an amount of time in providing consultation or treat-**  
19       **ment to a patient that is other than the amount of time that, in the**  
20       **professional medical judgment of the health care provider, is necessary**  
21       **to provide appropriate medical care;**  
22       **“(B) Prescribe or use certain medications, other than generic sub-**  
23       **stitutes for medications the health care provider prescribes, if the re-**  
24       **quirement or direction is contrary to the professional medical**  
25       **judgment of the health care provider; or**  
26       **“(C) Code a diagnosis, treatment or other health care intervention**  
27       **in a particular manner for the purposes of insurance coverage, if the**  
28       **requirement or direction is contrary to the health care provider’s**  
29       **professional medical judgment as to the proper, medically justified**  
30       **category of diagnosis, treatment or intervention.**

1       **“(b) Restrict or reduce a patient’s access to health care in circum-**  
2 **stances in which the patient continues to pay for a health insurance**  
3 **plan or policy that provides coverage to the patient or in which the**  
4 **restriction or reduction would result in a violation of the duty of care**  
5 **required of a physician under ORS 677.095. Actions that unlawfully**  
6 **restrict or reduce patient access to health care under the circum-**  
7 **stances described in this paragraph include, but are not limited to:**

8       **“(A) Terminating or requiring the termination of the employment**  
9 **of health care providers for reasons other than a failure to meet the**  
10 **duty of care required under ORS 677.095 or under the requirements**  
11 **specified for patient care under the health care provider’s license;**

12       **“(B) Eliminating, transferring or reassigning or requiring the**  
13 **elimination, transfer or reassignment of health care provider posi-**  
14 **tions;**

15       **“(C) Closing or requiring the closure of clinical facilities or other**  
16 **facilities necessary to provide adequate health care for patients; or**

17       **“(D) Reducing or eliminating funding, maintenance, office space or**  
18 **equipment for clinical facilities or other facilities necessary to provide**  
19 **adequate health care for patients.**

20       **“(c) Limit or direct a patient to a certain insurer or certain health**  
21 **insurance plan or policy as a condition of access to a health care**  
22 **provider’s services. This paragraph does not require a responsible**  
23 **person or health care provider to accept all health insurance plans or**  
24 **policies or limit the responsible person’s or health care provider’s**  
25 **choice of which health insurance plans or policies to accept for the**  
26 **purpose of providing health care.**

27       **“(d) Otherwise hinder or interfere with the professional medical**  
28 **judgment of the health care provider in administering appropriate**  
29 **health care to a patient.**

30       **“(3)(a) Notwithstanding ORS 731.236 and 731.256 (4), if the Attorney**

1 **General determines that a responsible person has violated or is likely**  
2 **to violate this section, the Attorney General may issue and serve an**  
3 **investigative demand as provided in ORS 646A.589. Solely for the pur-**  
4 **pose of issuing the investigative demand, the Attorney General may**  
5 **treat a violation of this section as equivalent to a violation of ORS**  
6 **646A.570 to 646A.589.**

7 **(b) Notwithstanding ORS 731.236 and 731.256 (4), the Attorney Gen-**  
8 **eral may, after completing an investigation under paragraph (a) of this**  
9 **subsection or, in circumstances the Attorney General deems appro-**  
10 **priate, without first executing an investigative demand, bring an**  
11 **action in a circuit court of this state to:**

- 12 **(A) Enjoin a responsible person from a violation of this section; or**
- 13 **(B) Seek a penalty in an amount that does not exceed \$20,000 for**  
14 **each instance of the violation, except that in the case of a continuing**  
15 **violation, the penalty for each day's violation may not exceed \$1,000**  
16 **and the total penalty for the continuing violation may not exceed**  
17 **\$100,000.**

- 18 **(c) A court, as appropriate, may:**
  - 19 **(A) Punish as contempt a responsible person's disobedience of a**  
20 **final order of a court under this subsection; or**
  - 21 **(B) Award to the Attorney General the costs of an investigation**  
22 **under paragraph (a) of this subsection or the Attorney General's at-**  
23 **torney fees and costs in an action under paragraph (b) of this sub-**  
24 **section.**

25 **"SECTION 2. This 2025 Act being necessary for the immediate**  
26 **preservation of the public peace, health and safety, an emergency is**  
27 **declared to exist, and this 2025 Act takes effect on its passage."**

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