

Requested by Senator PATTERSON

**PROPOSED AMENDMENTS TO
SENATE BILL 837**

- 1 On page 1 of the printed bill, line 2, delete “401.655,”.
2 Delete lines 5 through 27 and delete pages 2 through 6 and insert:
3 **“SECTION 1. ORS 401.651 is amended to read:**
4 **“401.651. As used in ORS 401.651 to 401.670:**
5 **“(1) ‘Health care facility’ means a health care facility as defined in ORS**
6 **442.015 that has been licensed under ORS chapter 441.**
7 **“(2) ‘Health care provider’ means[:]**
8 **“[(a)] an individual licensed, certified or otherwise authorized or permit-**
9 **ted by the laws of this state or another state to administer health care ser-**
10 **vices in the ordinary course of business or practice of a profession[; and].**
11 **“[(b) A person entered in the emergency health care provider registry under**
12 **ORS 401.658.]**
13 **“(3) ‘Health professional regulatory board’ means a health professional**
14 **regulatory board, as defined in ORS 676.160, the Long Term Care Adminis-**
15 **trators Board, the Board of Licensed Dietitians and the Behavior Analysis**
16 **Regulatory Board.**
17 **“(4) ‘Support and administrative personnel’ means an individual**
18 **who is not a health care provider, and who works to enable the pro-**
19 **vision of health care or public health services, including medical or**
20 **nonmedical operations support, management or administration.**
21 **“SECTION 2. ORS 401.654 is amended to read:**

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

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

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

12 “(c) **Screenings of physical health, emotional health or immuniza-**
13 **tion status in order to assign appropriate duties without increased**
14 **health-related risks.**

15 “(2) The authority [*shall*] **may** issue identification cards to [*health care*
16 *providers*] **individuals** entered in the [*emergency health care provider*] regis-
17 try established under this section that:

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

19 “(b) Indicate that the [*health care provider*] **individual** is registered [*as*
20 *an Oregon emergency health care provider*] **in the registry established un-**
21 **der this section**;

22 “(c) Identify [*the*] **any** license or certification held by the [*health care*
23 *provider*] **individual**, or previously held by the [*health care provider*] **indi-**
24 **vidual** if the [*health care provider*] **individual** is entered in the [*emergency*
25 *health care provider*] registry [*under*] **pursuant to** ORS 401.658; and

26 “(d) Identify the [*health care provider’s*] **individual’s** usual area of prac-
27 tice, and the types of [*health care*] **services** that the [*health care provider*]
28 **individual** is authorized to provide, if that information is available and the
29 authority determines that it is appropriate to provide that information.

30 “(3) The authority by rule [*shall*] **may** establish a form for identification

1 cards issued under subsection (2) of this section.

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

5 “(5) The authority may enter into agreements with other states to facili-
6 tate the registry of out-of-state health care providers **and support and ad-
7 ministrative personnel** in the [*emergency health care provider*] registry
8 established under this section.

9 **SECTION 3.** ORS 401.657 is amended to read:

10 “401.657. (1) The Oregon Health Authority may designate all or part of a
11 health care facility or other location as an emergency health care center. If
12 the Governor declares a state of emergency under ORS 401.165, or declares
13 a state of public health emergency under ORS 433.441, emergency health care
14 centers may be used for:

15 “(a) Evaluation and referral of individuals affected by the emergency;

16 “(b) Provision of health care services; and

17 “(c) Preparation of patients for transportation.

18 “(2) The Oregon Health Authority may enter into cooperative agreements
19 with a local public health authority, as defined in ORS 431.003, that allow
20 the local public health authority to designate emergency health care centers
21 under this section.

22 “(3) An emergency health care center designated under this section must
23 have an emergency operations plan and a credentialing plan that governs the
24 use of [*emergency health care providers*] **individuals** registered under ORS
25 401.654 and other health care providers who volunteer to perform health care
26 services at the center under ORS 401.651 to 401.670. The emergency oper-
27 ations plan and credentialing plan must comply with rules governing those
28 plans adopted by the Oregon Health Authority.

29 **SECTION 4.** ORS 401.658 is amended to read:

30 “401.658. (1) The Oregon Health Authority may include in the [*emergency*

1 *health care provider*] registry established under ORS 401.654 a person who
2 was previously licensed, certified or otherwise authorized to provide health
3 care services in Oregon by a health professional regulatory board if:

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

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

8 “(2) Notwithstanding any other law prohibiting a person from providing
9 health care services without a license, certificate or other authorization from
10 a health professional regulatory board, a person entered in the [*emergency*
11 *health care provider*] registry under subsection (1) of this section may provide
12 health care services during a state of emergency declared under ORS 401.165
13 or a state of public health emergency declared under ORS 433.441 without a
14 license, certification or other authorization if:

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

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

19 “(3) The authority may adopt rules, after consulting with the appropriate
20 health professional regulatory boards, that establish criteria and require-
21 ments for including persons in the [*emergency health care provider*] registry
22 under this section, including but not limited to:

23 “(a) Educational requirements;

24 “(b) Training requirements;

25 “(c) Verification of previous licenses, certifications or other authorization
26 by a health professional regulatory board;

27 “(d) Verification that the previous licenses, certifications or other au-
28 thorization of the person was not revoked by reason of unprofessional con-
29 duct or any other reason that would affect the person’s ability to safely
30 provide health care services; and

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

4 **“SECTION 5.** ORS 401.661 is amended to read:

5 “401.661. [*If the Governor declares a state of emergency under ORS 401.165*
6 *or declares a state of public health emergency under ORS 433.441:*]

7 “(1) The Oregon Health Authority, in conjunction with the Department
8 of Human Services for facilities licensed by the department, may direct
9 [*emergency health care providers*] **individuals** registered under ORS 401.654
10 who are willing to provide [*health care*] **volunteer** services to proceed to any
11 place in this state where [*health care*] **such** services are required [*by reason*
12 *of the emergency or crisis*];].

13 “(2) Pursuant to the Emergency Management Assistance Compact and the
14 Pacific Northwest Emergency Management Arrangement, the Oregon Health
15 Authority may direct [*emergency health care providers*] **individuals** regis-
16 tered under ORS 401.654 who are willing to provide [*health care*] **volunteer**
17 services in another [*state*] **jurisdiction** to proceed to another [*state*] **juris-**
18 **diction** where [*emergency health care*] **such** services are required by reason
19 of an emergency in that [*state; and*] **jurisdiction. Individuals registered**
20 **under ORS 401.654 are officers of the state for purposes of the Emer-**
21 **gency Management Assistance Compact.**

22 “(3) **If the Governor declares a state of emergency under ORS 401.165**
23 **or declares a state of public health emergency under ORS 433.441, any**
24 [*emergency health care provider*] **individual** registered under ORS 401.654 or
25 [*other*] **any** health care provider may volunteer to perform [*health care*] ser-
26 vices described in ORS 401.657 at any emergency health care center or health
27 care facility in the manner provided by ORS 401.664.

28 **“SECTION 6.** ORS 401.664 is amended to read:

29 “401.664. (1) [*Emergency health care providers*] **Individuals** registered un-
30 der ORS 401.654 and [*other*] health care providers who volunteer to perform

1 [health care] services under ORS 401.651 to 401.670 must provide those ser-
2 vices in accordance with the emergency operations plan and credentialing
3 plan adopted by the emergency health care center or [by] the health care
4 facility at which the services are rendered.

5 “(2) An emergency health care center or health care facility may deter-
6 mine the services to be provided by any [emergency health care provider] **in-**
7 **dividual** registered under ORS 401.654 or [other] **any** health care provider
8 who volunteers to perform health care services under ORS 401.651 to 401.670.

9 **“SECTION 7.** ORS 401.667 is amended to read:

10 “401.667. [(1) *If the Governor declares a state of emergency under ORS*
11 *401.165, or declares a state of public health emergency under ORS 433.441,*
12 *emergency health care providers registered under ORS 401.654 and other*
13 *health care providers who volunteer to perform health care services under ORS*
14 *401.651 to 401.670 are agents of the state under ORS 30.260 to 30.300 for the*
15 *purposes of any claims arising out of services that are provided under ORS*
16 *401.651 to 401.670 pursuant to directions from a public body and that are*
17 *within the course and scope of the health care provider’s duties, without regard*
18 *to whether the health care provider is compensated for the services.*]

19 **“(1)(a) Individuals registered under ORS 401.654 and health care**
20 **providers who volunteer to perform health care services under ORS**
21 **401.661 are agents of the state under ORS 30.260 to 30.300 for the pur-**
22 **poses of any claims arising out of services that are provided under**
23 **ORS 401.661 pursuant to directions from a public body and that are**
24 **within the course and scope of the individual’s duties, without regard**
25 **to whether the individual is compensated for the services.**

26 **“(b) If the Governor declares a state of emergency under ORS**
27 **401.165, or declares a state of public health emergency under ORS**
28 **433.441, individuals registered under ORS 401.654 and health care pro-**
29 **viders who volunteer to perform health care services under ORS**
30 **401.655, 401.656, 401.657 or 401.658 are agents of the state under ORS**

1 **30.260 to 30.300 for the purposes of any claims arising out of services**
2 **that are provided under ORS 401.655, 401.656, 401.657 or 401.658 pursuant**
3 **to directions from a public body and that are within the course and**
4 **scope of the individual’s duties, without regard to whether the indi-**
5 **vidual is compensated for the services.**

6 “(2) If the Governor declares a state of emergency under ORS 401.165, or
7 declares a state of public health emergency under ORS 433.441, health care
8 facilities designated under ORS 401.657 and other persons operating emer-
9 gency health care centers designated under ORS 401.657 are agents of the
10 state under ORS 30.260 to 30.300 for the purposes of any claims arising out
11 of services that are provided through those centers or facilities under ORS
12 401.651 to 401.670 pursuant to directions from a public body and that are
13 within the course and scope of the duties of the health care facility or other
14 person, without regard to whether the health care facility or other person
15 is compensated for the services.

16 “(3) An [*emergency health care provider*] **individual** registered under ORS
17 401.654 participating in training authorized by the Oregon Health Authority
18 under ORS 401.651 to 401.670 is an agent of the state under ORS 30.260 to
19 30.300 for the purposes of any claims arising out of that training.

20 “(4) The provisions of subsection (2) of this section apply only to emer-
21 gency health care centers or health care facilities that have adopted emer-
22 gency operations plans and credentialing plans that govern the use of
23 [*emergency health care providers*] **individuals** registered under ORS 401.654
24 and other health care providers who volunteer to perform health care ser-
25 vices under ORS 401.651 to 401.670. An emergency operations plan and a
26 credentialing plan must comply with rules governing those plans adopted by
27 the authority.

28 **“SECTION 8.** ORS 656.047 is amended to read:

29 “656.047. (1) The Oregon Health Authority shall provide workers’ com-
30 pensation coverage for [*volunteer emergency health care providers*] **individ-**

1 **uals** registered under ORS 401.654 who are injured in the course and scope
2 of performing [*emergency health care*] **volunteer** services if the injury occurs:

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

5 “(b) While the [*volunteer*] **individual** is engaged in training being con-
6 ducted or approved by the authority for the purpose of preparing the [*vol-*
7 *unteer*] **individual** to perform [*emergency health care*] services[.]; **or**

8 “(c) **While the individual is performing services at the direction of**
9 **the authority, pursuant to the Emergency Management Assistance**
10 **Compact and the Pacific Northwest Emergency Management Ar-**
11 **rangement, in another jurisdiction where such services are required**
12 **by reason of an emergency in that jurisdiction.**

13 “(2) Workers’ compensation coverage shall be provided under this section
14 in the manner provided by ORS 656.039.

15 “**SECTION 9.** ORS 431A.015 is amended to read:

16 “431A.015. (1) Unless the Governor has declared a public health emer-
17 gency under ORS 433.441, the Public Health Director may, upon approval of
18 the Governor or the designee of the Governor, take the public health actions
19 described in subsection (2) of this section if the Public Health Director de-
20 termines that:

21 “(a)(A) A communicable disease, reportable disease, disease outbreak, ep-
22 idemic or other condition of public health importance has affected more than
23 one county;

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

26 “(C) The resources of the local public health authority or authorities are
27 likely to be quickly overwhelmed or unable to effectively manage the re-
28 quired response; and

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

30 “(b) A communicable disease, reportable disease, disease outbreak, epi-

1 demic or other condition of public health importance is reported in Oregon
2 and is an issue of significant regional or national concern or is an issue for
3 which there is significant involvement from federal authorities requiring
4 state-federal coordination.

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

8 “(a) Coordinate the public health response across jurisdictions.

9 “(b) Prescribe measures for the:

10 “(A) Identification, assessment and control of the communicable disease
11 or reportable disease, disease outbreak, epidemic or other condition of public
12 health importance; and

13 “(B) Allocation and distribution of antitoxins, serums, vaccines,
14 immunizing agents, antibiotics, antidotes and other pharmaceutical agents,
15 medical supplies or personal protective equipment.

16 “(c) After consultation with appropriate medical experts, create and re-
17 quire the use of diagnostic and treatment guidelines and provide notice of
18 those guidelines to health care providers, institutions and facilities.

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

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

24 “(B) The person has a religious or conscientious objection to the required
25 treatments or prophylactic measures.

26 “(e) Notwithstanding ORS 332.075, direct a district school board to close
27 a children’s facility or school under the jurisdiction of the board. The au-
28 thority granted to the Public Health Director under this paragraph super-
29 sedes the authority granted to the district school board under ORS 332.075
30 to the extent the authority granted to the board is inconsistent with the

1 authority granted to the director.

2 “(f) Issue guidelines for private businesses regarding appropriate work
3 restrictions.

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

6 “(h) Adopt reporting requirements for, and provide notice of those re-
7 porting requirements to, health care providers, institutions and facilities for
8 the purpose of obtaining information directly related to the public health
9 threat presented.

10 “(i) Take control of antitoxins, serums, vaccines, immunizing agents, an-
11 tibiotics, antidotes and other pharmaceutical agents, medical supplies or
12 personal protective equipment.

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

15 “(3) The authority granted to the Public Health Director under this sec-
16 tion is not intended to override the general authority provided to a local
17 public health authority except as already permitted by law, or under the
18 circumstances described in subsection (1) of this section.

19 “(4) If the Oregon Health Authority adopts temporary rules to implement
20 subsection (2) of this section, the rules adopted are not subject to the pro-
21 visions of ORS 183.335 (6)(a). The authority may amend the temporary rules
22 adopted under this subsection as often as is necessary to respond to the
23 public health threat.

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

28 “(6) If property is taken under the authority granted to the Public Health
29 Director under subsection (2) of this section, the owner of the property is
30 entitled to reasonable compensation from the state.”.

