

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) ‘Professional medical entity’ means a business entity organized**
16 **for the purpose of:**

17 **“(A) Practicing medicine, as described in ORS 677.085;**

18 **“(B) Enabling a physician associate to practice medicine within the**
19 **scope of practice specified in ORS 677.515; or**

20 **“(C) Enabling a nurse practitioner to practice nursing, as defined**
21 **in ORS 678.010, within the scope of practice specified in ORS 678.375 to**

1 **678.390.**

2 **“(f)(A) ‘Responsible person’ means:**

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

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

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

7 **“(iv) A management services organization that, under a written**
8 **agreement and in return for compensation, provides management**
9 **services to a professional medical entity; or**

10 **“(v) A person that, under a written agreement and in return for**
11 **compensation, furnishes clinical facilities, offices, equipment or other**
12 **means by which a health care provider may provide health care or**
13 **services related to health care.**

14 **“(B) ‘Responsible person’ does not include:**

15 **“(i) A health care provider;**

16 **“(ii) A professional medical entity;**

17 **“(iii) A hospital, as defined in ORS 442.015, or an affiliate of a hos-**
18 **pital; or**

19 **“(iv) A hospital-affiliated clinic, as defined in ORS 442.612, or an**
20 **affiliate of a hospital-affiliated clinic.**

21 **“(2) A responsible person or an affiliate of a responsible person may**
22 **not:**

23 **“(a) Exercise de facto control over administrative, business or**
24 **clinical operations of a health care provider or a professional medical**
25 **entity in a manner that affects the health care provider’s or profes-**
26 **sional medical entity’s clinical decision-making or the nature or**
27 **quality of medical care that the health care provider or professional**
28 **medical entity delivers.**

29 **“(b) Engage in a pattern that restricts or reduces patient access to**
30 **health care that is covered by a health insurance plan or policy.**

1 “(c) Limit or direct a patient to a certain insurer or certain health
2 insurance plan or policy as a condition of access to a health care
3 provider’s or professional medical entity’s services. This paragraph
4 does not require a responsible person, health care provider or profes-
5 sional medical entity to accept all health insurance plans or policies
6 or limit the responsible person’s, health care provider’s or professional
7 medical entity’s choice of which health insurance plans or policies to
8 accept for the purpose of providing health care.

9 “(d) Otherwise hinder or interfere with ethical standards that apply
10 to a health care provider.

11 “(3)(a) Notwithstanding ORS 731.236 and 731.256 (4), the Attorney
12 General may serve an investigative demand upon any person that
13 possesses, controls or has custody of any information, document or
14 other material that the Attorney General determines is relevant to an
15 investigation of a violation of this section or that could lead to a dis-
16 covery of relevant information. An investigative demand may require
17 the person to:

18 “(A) Appear and testify under oath at the time and place specified
19 in the investigative demand;

20 “(B) Answer written interrogatories; or

21 “(C) Produce relevant documents or physical evidence for exam-
22 ination at the time and place specified in the investigative demand.

23 “(b) The Attorney General shall serve an investigative demand un-
24 der this section in the manner provided in ORS 646.622. The Attorney
25 General may enforce the investigative demand as provided in ORS
26 646.626.

27 “(c) An attorney may accompany, represent and advise in confi-
28 dence a person that appears in response to a demand under paragraph
29 (a)(A) of this subsection. The person may refuse to answer any ques-
30 tion on constitutional grounds or on the basis of any other legal right

1 or privilege, including protection against self-incrimination, but must
2 answer any other question that is not subject to the right or privilege.
3 If the person refuses to answer a question on grounds that the answer
4 would be self-incriminating, the Attorney General may compel the
5 person to testify as provided in ORS 136.617.

6 “(d) The Attorney General shall exclude from the place in which the
7 Attorney General conducts an examination under this subsection all
8 persons other than the person the Attorney General is examining, the
9 person’s attorney, the officer before which the person gives the testi-
10 mony and any stenographer recording the testimony.

11 “(e) The Attorney General shall hold in confidence and may not
12 disclose to any person any documents, answers to interrogatories and
13 transcripts of oral testimony, except that the Attorney General may
14 disclose the documents to:

15 “(A) The person that provided the documents or the oral testimony;

16 “(B) The attorney or representative of the person that provided the
17 documents or oral testimony;

18 “(C) Persons employed by the Attorney General; or

19 “(D) An official of the United States or of any state who is au-
20 thorized to enforce federal or state consumer protection laws if the
21 Attorney General first obtains a written agreement from the official
22 in which the official agrees to abide by the confidentiality require-
23 ments of this subsection.

24 “(f) The Attorney General may use any of the materials described
25 in paragraph (e) of this subsection in any investigation the Attorney
26 General conducts under this section or in any action or proceeding the
27 Attorney General brings or initiates in a court or before an adminis-
28 trative agency in connection with the investigation.

29 “(4) Notwithstanding ORS 731.236 and 731.256 (4), the Attorney
30 General may, after completing an investigation under subsection (3)

1 of this section or, in circumstances the Attorney General deems ap-
2 propriate, without first executing an investigative demand, bring an
3 action in a circuit court of this state to:

4 “(a) Enjoin a responsible person or an affiliate of a responsible
5 person from a violation of this section; or

6 “(b) Seek a penalty in an amount that does not exceed \$20,000 for
7 each instance of the violation, except that in the case of a continuing
8 violation, the penalty for each day’s violation may not exceed \$1,000
9 and the total penalty for the continuing violation may not exceed
10 \$100,000.

11 “(5) A court, as appropriate, may award to the Attorney General the
12 costs of an investigation under subsection (3) of this section and the
13 Attorney General’s attorney fees and costs in an action under sub-
14 section (4) of this section.

15 “SECTION 2. This 2025 Act being necessary for the immediate
16 preservation of the public peace, health and safety, an emergency is
17 declared to exist, and this 2025 Act takes effect on its passage.”.

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