

HB 4179 -1, -2 STAFF MEASURE SUMMARY

Senate Committee On Rules

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Meeting Dates: 2/27, 3/2, 3/3

WHAT THE MEASURE DOES:

The measure specifies that any nonprofit entity created or maintained by Oregon Health and Science University (OHSU) includes an entity organized under Oregon's nonprofit corporation statutes, so long as OHSU is a corporate member of the entity. It provides that any physician, naturopathic physician, or dentist who provides patient care, under an entity created or maintained by OHSU to provide patient care, is acting within that individual's state employment or duties for the purposes of tort action against public bodies (ORS 30.267). It also specifies that the provisions of ORS 677.080, which describe prohibited acts for a person in the practice of medicine, do not apply to the entity created or maintained by OHSU to provide patient care.

Fiscal impact: Minimal impact

Revenue impact: No impact

HOUSE VOTE: Ayes, 50; Nays, 1

ISSUES DISCUSSED:

EFFECT OF AMENDMENT:

-1 The amendment ensures that any nonprofit created or maintained by OHSU is considered to be a "public employer" for the purposes of the Public Employees Collective Bargaining Act (ORS 243.650 to 243.809).

Fiscal impact: Minimal impact

Revenue impact: No impact

-2 The amendment removes the exemption that allows ORS 677.080, which describes prohibited acts for a person in the practice of medicine, to not apply to entities created or maintained by OHSU, and specifies that the provisions of ORS 58.500 and 58.503, which describe the requirements for professional corporations organized to practice medicine, do not apply to the entity created or maintained by OHSU to provide patient care.

Fiscal impact: Minimal impact

Revenue impact: No impact

BACKGROUND:

For the purposes of tort actions against public bodies, Oregon Revised Statutes (ORS) 30.267 makes all services constituting patient care—including inpatient care, outpatient care, and all forms of consultation—provided on the OHSU campus or in any OHSU clinic by physicians, naturopathic physicians, dentists, or other specified personnel affiliated with OHSU within the scope of these individuals' state employment or duties when performed.

ORS 677.080 identifies the prohibited acts for a person in the practice of medicine. The law states that a person may not do the following:

- Knowingly make any false statement or representation on a matter, or willfully conceal any fact material to the right of the person to practice medicine or to obtain a license under this chapter
- Sell or fraudulently obtain or furnish any medical and surgical diploma, license, record, or registration
- Impersonate anyone to whom a license has been granted by the Oregon Medical Board

- Practice medicine in Oregon without a license, with certain exceptions

PRELIMINARY