

SB 1575-1
(LC 151)
2/5/26 (RH/ps)

Requested by Senator PATTERSON

**PROPOSED AMENDMENTS TO
SENATE BILL 1575**

1 On page 1 of the printed bill, delete lines 12 through 25 and delete pages
2 2 through 5 and insert:

3 **“SECTION 1.** ORS 443.860 is amended to read:

4 “443.860. (1) A person may not establish, [*conduct*] **operate** or maintain
5 a hospice program providing hospice services, or hold itself out to the public
6 as a hospice program, without obtaining a license from the Oregon Health
7 Authority.

8 “[(2) *The authority*:]

9 “[(a) *Shall adopt rules to carry out the provisions of ORS 443.850 to*
10 *443.869, including but not limited to rules for licensure that require an in-*
11 *person site inspection of each licensed hospice program at least once every three*
12 *years.*]

13 “[(b) *May accept certification by a federal agency or accreditation by an*
14 *accrediting organization approved by the authority as evidence of compliance*
15 *with the requirements for licensure adopted under paragraph (a) of this sub-*
16 *section if:*]

17 “[(A) *The certification or accreditation meets standards and conditions es-*
18 *tablished for hospice programs by the Centers for Medicare and Medicaid*
19 *Services;*]

20 “[(B) *The hospice program invites the authority to participate in any exit*
21 *interview conducted by the agency or organization; and*]

1 “[C) The hospice program provides the authority with copies of all doc-
2 umentation requested by the authority concerning the certification or accredi-
3 tation.]

4 “[3) The fee to obtain or renew a hospice program license is \$1,140.]

5 “[4) The authority shall prescribe by rule the form and manner for appli-
6 cation for or renewal of a license. The authority shall issue a license to an
7 applicant that has the necessary qualifications, meets all requirements estab-
8 lished by the authority by rule and has paid the fee.]

9 “[5) A license issued under this section is valid for one year and is not
10 transferable. A license may be renewed by payment of the fee and demon-
11 stration of compliance with requirements for renewal established by the au-
12 thority by rule.]

13 **“(2) The authority shall prescribe the form and manner for applying
14 for an initial license or renewal of a license.**

15 **“(3) The authority shall establish by rule fees for initial and renewal
16 license applications, not to exceed the costs of administering ORS
17 443.850 to 443.869. In establishing application fees under this section,
18 the authority may:**

19 **“(a) Adopt a graduated fee structure based on factors such as an-
20 nual patient census or total revenue; and**

21 **“(b) Include the costs of completing the criminal records checks
22 required under this section.**

23 **“(4) An application for an initial license shall include:**

24 **“(a)(A) Any negative performance history of the applicant in
25 Oregon or another state, including:**

26 **“(i) Any hospice or other health care license suspension or revoca-
27 tion, adverse regulatory finding or other sanction;**

28 **“(ii) Any determination, adjudication or settlement related to
29 health care fraud or abuse; and**

30 **“(iii) Any exclusion from Medicare, Medicaid or any other federal**

1 or state health care program.

2 **“(B) As used in this paragraph, ‘applicant’ includes any entity**
3 **managed by the proposed administrator or proposed medical director**
4 **of the applicant and any entity in which an owner of the applicant**
5 **holds a five percent or greater ownership interest, but does not include**
6 **an individual health care practitioner;**

7 **“(b) Documentation demonstrating that the proposed administrator**
8 **and proposed medical director of the applicant meet minimum training**
9 **and qualification requirements, as established by the authority by**
10 **rule;**

11 **“(c) The tax status of the applicant; and**

12 **“(d) The financial and operational information required under sub-**
13 **section (5) of this section.**

14 **“(5)(a) The authority shall adopt a financial and operational capac-**
15 **ity review process to ensure that applicants possess adequate resources**
16 **to operate safely and continuously for the initial licensure period of**
17 **one year. The process shall require an applicant for an initial license**
18 **to submit the following information:**

19 **“(A) A pro forma operating budget, in a format prescribed by the**
20 **authority and including projected revenues, expenditures, staffing and**
21 **patient days for the first year of operation;**

22 **“(B) Documentation demonstrating that the applicant has sufficient**
23 **financial resources to sustain operations for the initial one-year**
24 **licensure period, including the capacity to maintain operations during**
25 **potential delays in reimbursement; and**

26 **“(C) An attestation, signed by an authorized representative of the**
27 **applicant, acknowledging that reimbursement delays may occur and**
28 **affirming the applicant’s ability to maintain operations during such**
29 **delays.**

30 **“(b) The authority shall review an applicant’s pro forma operating**

1 budget for completeness, internal consistency and reasonable feasibil-
2 ity, as defined by the authority by rule.

3 “(c) If the authority determines that an applicant does not possess
4 adequate resources to operate safely and continuously for the initial
5 one-year licensure period, the authority shall deny the application.

6 “(6) Upon receipt of an application and fee for an initial license, the
7 authority shall:

8 “(a) Complete a criminal records check under ORS 181A.195 on:

9 “(A) The proposed administrator;

10 “(B) The proposed medical director; and

11 “(C) If the applicant is a privately owned entity, any individual who
12 holds a five percent or greater ownership interest in the applicant
13 entity; and

14 “(b) Review the information submitted under subsections (4) and (5)
15 of this section.

16 “(7) The authority may deny an application for an initial license:

17 “(a) Based on the severity, frequency or timing of the applicant's
18 negative performance history, as described in subsection (4) of this
19 section;

20 “(b) If the authority determines that the hospice program know-
21 ingly provided false information, as described in subsection (12) of this
22 section; and

23 “(c) For other reasons established by the authority by rule.

24 “(8) The authority shall issue an initial license to an applicant that:

25 “(a) Meets all requirements under ORS 443.850 to 443.869 and rules
26 adopted under ORS 443.850 to 443.869; and

27 “(b) Has paid the application fee.

28 “(9) A license issued under this section is valid for one year and is
29 not transferable.

30 “(10) A license may be renewed by payment of the application fee

1 **established under subsection (3) of this section and demonstration of**
2 **compliance with requirements for renewal established by the authority**
3 **by rule.**

4 “(11) The authority may accept certification by a federal agency or
5 accreditation by an accrediting organization approved by the authority
6 as evidence of compliance with the requirements for license renewal
7 adopted under this section if:

8 “(a) The certification or accreditation meets standards and condi-
9 tions established for hospice programs by the Centers for Medicare and
10 Medicaid Services;

11 “(b) The hospice program invites the authority to participate in any
12 exit interview conducted by the agency or organization; and

13 “(c) The hospice program provides the authority with copies of all
14 documentation requested by the authority concerning the certification
15 or accreditation.

16 “(12) The authority may deny an application for an initial license
17 or renewal of a license and may suspend or revoke a hospice program’s
18 license if the authority determines that the hospice program know-
19 ingly provided false information under this section or section 3 or 4
20 of this 2026 Act.

21 “(13) A person may not hold an ownership interest in a hospice
22 program licensed under this section if the person has been:

23 “(a) Excluded from participation in the Medicare or Medicaid pro-
24 grams; or

25 “(b) Found liable for health care fraud or abuse in any jurisdiction.

26 “(14) The authority shall adopt rules to carry out the provisions of
27 ORS 443.850 to 443.869, including but not limited to rules that require
28 an in-person site inspection of each licensed hospice program at least
29 once every three years.

30 “**SECTION 2.** Sections 3 and 4 of this 2026 Act are added to and

1 made a part of ORS 443.850 to 443.869.

2 **“SECTION 3.** (1) As used in this section, ‘consumer assessment
3 survey’ means a survey developed by the Centers for Medicare and
4 Medicaid Services that assesses the experiences of patients who died
5 while receiving hospice care and the experiences of the patients’ in-
6 formal primary caregivers.

7 **“(2) The Oregon Health Authority may require an applicant for an initial license or renewal of a license under ORS 443.860 to submit the performance history from other states, including past licensing survey results, of:**

8 **“(a) The hospice program applying for a license;**

9 **“(b) A person holding a five percent or greater ownership interest
10 in the hospice program;**

11 **“(c) The administrator or proposed administrator of the hospice
12 program; and**

13 **“(d) The medical director or proposed medical director of the
14 hospice program.**

15 **“(3) If an applicant operates a hospice program in this state or any
16 other state, to be eligible for an initial or renewal license under ORS
17 443.860, the applicant must have submitted the consumer assessment
18 survey results for the previous year to the Centers for Medicare and
19 Medicaid Services, unless the applicant received an exemption from
20 the Centers for Medicare and Medicaid Services.**

21 **“SECTION 4.** (1) If a person acquires a five percent or greater
22 ownership interest in a privately owned hospice program licensed un-
23 der ORS 443.860, the hospice program shall submit a new application
24 for an initial license under ORS 443.860.

25 **“(2) The Oregon Health Authority may deny the application and
26 suspend or revoke the hospice program’s license if the authority de-
27 termines that the new owner has a significant history of prior non-**

1 compliance or enforcement actions taken against the owner.

2 “**SECTION 5.** The Oregon Health Authority shall complete
3 rulemaking required under the amendments to ORS 443.860 by section
4 1 of this 2026 Act no later than 24 months after the effective date of
5 this 2026 Act.

6 “**SECTION 6.** (1) As used in this section:

7 “(a) ‘Hospice program’ and ‘hospice services’ have the meanings
8 given those terms in ORS 443.850.

9 “(b) ‘Underserved area’ means a geographic area of this state in
10 which residents do not have adequate access to hospice services, in-
11 cluding:

12 “(A) An area with no hospice program currently serving residents;

13 “(B) An area in which existing hospice programs lack capacity to
14 meet community need; and

15 “(C) An area designated by state or federal laws or regulations as
16 rural, frontier or medically underserved.

17 “(c) ‘Underserved population’ means a group of individuals that
18 experience barriers to accessing hospice services, including:

19 “(A) Residents of rural or frontier counties;

20 “(B) Members of the nine federally recognized Indian tribes in this
21 state;

22 “(C) Individuals with limited English proficiency;

23 “(D) Individuals with disabilities;

24 “(E) Members of racial or ethnic minority communities; and

25 “(F) Individuals with low incomes or inadequate health care cover-
26 age.

27 “(2) Except as provided in subsection (3) of this section, until the

28 Oregon Health Authority has completed rulemaking required under
29 the amendments to ORS 443.860 by section 1 of this 2026 Act, the au-
30 thority may not issue any new initial licenses under ORS 443.860.

1 **“(3) During the time frame specified in subsection (2) of this sec-
2 tion, the authority may issue a new initial license under ORS 443.860
3 to the following:**

4 **“(a) A hospice program licensed under ORS 443.860 that is seeking
5 a new initial license to operate a hospice program in a new service
6 area;**

7 **“(b) A health care provider licensed in this state, long term care
8 facility as defined in ORS 442.015 or residential care facility as defined
9 in ORS 443.400 that is seeking to provide hospice services to patients
10 or residents of the provider or facility; and**

11 **“(c) An applicant that proposes to serve an underserved area or an
12 underserved population.**

13 **“SECTION 7. Section 6 of this 2026 Act is repealed on January 2,
14 2029.**

15 **“SECTION 8. This 2026 Act being necessary for the immediate
16 preservation of the public peace, health and safety, an emergency is
17 declared to exist, and this 2026 Act takes effect on its passage.”.**

18 _____