

# Enrolled Senate Bill 36

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CHAPTER .....

AN ACT

Relating to the Oregon Patient Safety Commission; creating new provisions; amending ORS 442.830 and sections 6 and 16, chapter 686, Oregon Laws 2003; and declaring an emergency.

**Be It Enacted by the People of the State of Oregon:**

**SECTION 1. Section 3 of this 2007 Act is added to and made a part of sections 1 to 12, chapter 686, Oregon Laws 2003.**

**SECTION 2.** Section 6, chapter 686, Oregon Laws 2003, is amended to read:

**Sec. 6.** *[(1) Except as provided in subsection (2) of this section,]* The Oregon Patient Safety Commission may assess fees on the *[participating]* entities described in section 4 (2)(a) to (f), **chapter 686, Oregon Laws 2003, [of this 2003 Act]** as determined by the Oregon Patient Safety Commission Board of Directors to fund the **operating costs of the** Oregon Patient Safety Reporting Program.

*[(2) Independent professional health care societies or associations are exempt from fees assessed by the commission.]*

**SECTION 3. (1) Amounts collected by the Oregon Patient Safety Commission under section 6, chapter 686, Oregon Laws 2003, may not exceed \$1.5 million for the fiscal year beginning on July 1, 2007, and ending on June 30, 2008.**

**(2) The dollar amount specified in subsection (1) of this section shall be adjusted annually by the commission based upon the change in the Consumer Price Index as defined in ORS 327.006 for every fiscal year beginning on or after July 1, 2008.**

**SECTION 4.** Section 16, chapter 686, Oregon Laws 2003, is amended to read:

**Sec. 16.** Sections 1, 4, 5, 6, 9, 10 and 12, **chapter 686, Oregon Laws 2003, [of this 2003 Act]** and **section 3 of this 2007 Act** are repealed on January 2, 2010.

**SECTION 5.** ORS 442.830 is amended to read:

442.830. (1) There is established the Oregon Patient Safety Commission Board of Directors consisting of 17 members, including the Public Health Officer and 16 directors who shall be appointed by the Governor and who shall be confirmed by the Senate in the manner prescribed in ORS 171.562 and 171.565.

(2) Membership on the board shall reflect the diversity of facilities, providers, insurers, purchasers and consumers that are involved in patient safety. Directors shall demonstrate interest, knowledge or experience in the area of patient safety.

(3) The membership of the board shall be as follows:

- (a) The Public Health Officer **or the officer's designee;**
- (b) One faculty member, who is not involved in the direct delivery of health care, of the Oregon University System or a private Oregon university;
- (c) Two representatives of group purchasers of health care, one of whom shall be employed by a state or other governmental entity and neither of whom may provide direct health care services or have an immediate family member who is involved in the delivery of health care;
- (d) Two representatives of health care consumers, neither of whom may provide direct health care services or have an immediate family member who is involved in the delivery of health care;
- (e) Two representatives of health insurers, including a representative of a domestic not-for-profit health care services contractor, a representative of a domestic insurance company licensed to transact health insurance or a representative of a health maintenance organization;
- (f) One representative of a statewide or national labor organization;
- (g) Two physicians licensed under ORS chapter 677 who are in active practice;
- (h) Two hospital administrators or their designees;
- (i) One pharmacist licensed under ORS chapter 689;
- (j) One representative of an ambulatory surgical center or an outpatient renal dialysis facility;
- (k) One nurse licensed under ORS chapter 678 who is in active clinical practice; and
- (L) One nursing home administrator licensed under ORS chapter 678 or one nursing home director of nursing services.

(4) The term of office of each director appointed by the Governor is four years. Before the expiration of the term of a director, the Governor shall appoint a successor whose term begins on October 1 next following. A director is eligible for reappointment for an additional term. If there is a vacancy for any cause, the Governor shall make an appointment to become effective immediately for the unexpired term. The board shall nominate a slate of candidates whenever a vacancy occurs or is announced and shall forward the recommended candidates to the Governor for consideration.

(5) The board shall select one of its members as chairperson and another as vice chairperson for the terms and with the duties and powers as the board considers necessary for performance of the functions of those offices. The board shall adopt bylaws as necessary for the efficient and effective operation of the commission.

(6) The Governor may remove any member of the board at any time at the pleasure of the Governor, but not more than eight directors shall be removed within a period of four years, unless it is for corrupt conduct in office. The board may remove a director as specified in the commission bylaws.

(7) The board may appoint subcommittees and advisory groups as needed to assist the board, including but not limited to one or more consumer advisory groups and technical advisory groups. The technical advisory groups shall include physicians, nurses and other licensed or certified professional with specialty knowledge and experience as necessary to assist the board.

(8) No voting member of the board may be an employee of the commission.

**SECTION 6. This 2007 Act being necessary for the immediate preservation of the public peace, health and safety, an emergency is declared to exist, and this 2007 Act takes effect July 1, 2007.**

**Passed by Senate April 2, 2007**

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Secretary of Senate

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President of Senate

**Passed by House June 4, 2007**

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Speaker of House

**Received by Governor:**

.....M,....., 2007

**Approved:**

.....M,....., 2007

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Governor

**Filed in Office of Secretary of State:**

.....M,....., 2007

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Secretary of State