

# Senate Bill 835

Sponsored by Senator BATES

## SUMMARY

The following summary is not prepared by the sponsors of the measure and is not a part of the body thereof subject to consideration by the Legislative Assembly. It is an editor's brief statement of the essential features of the measure **as introduced**.

Requires hospital emergency department to refer for primary care person who presents at emergency department but does not have condition requiring emergency medical services.

## A BILL FOR AN ACT

1  
2 Relating to hospital emergency departments; amending ORS 441.094.

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

4 **SECTION 1.** ORS 441.094 is amended to read:

5 441.094. (1) [No] **An** officer or employee of a hospital licensed by the Oregon Health Authority  
6 that has an emergency department may **not** deny to a person an appropriate medical screening ex-  
7 amination within the capability of the emergency department, including ancillary services routinely  
8 available to the emergency department, to determine whether a need for emergency medical services  
9 exists.

10 (2) [No] **An** officer or employee of a hospital licensed by the authority may **not** deny to a person  
11 diagnosed by an admitting physician as being in need of emergency medical services the emergency  
12 medical services customarily provided at the hospital because the person is unable to establish the  
13 ability to pay for the services.

14 **(3) If, after a medical screening examination, a physician or other health care profes-**  
15 **sional who is authorized to conduct a medical screening examination concludes that a person**  
16 **who presents at an emergency department does not require emergency medical services but**  
17 **does require primary care, an officer or employee of the hospital shall:**

18 **(a) Refer the person to the person's primary care practitioner; or**

19 **(b) If the person does not have a primary care practitioner, refer the person to a primary**  
20 **care health clinic or primary care practitioner that is available and reasonably accessible to**  
21 **provide the nonemergency health care.**

22 [(3)] (4) Nothing in this section is intended to relieve a person of the obligation to pay for ser-  
23 vices provided by a hospital.

24 [(4)] (5) A hospital that does not have physician services available at the time of the emergency  
25 shall not be in violation of **subsection (1) of** this section if, after a reasonable good faith effort, a  
26 physician is unable to provide or delegate the provision of emergency medical services.

27 [(5)] (6) All coordinated care organization contracts executed by the authority and private  
28 health maintenance organizations and managed care organizations shall include a provision that  
29 encourages the organization to establish agreements with hospitals in the organization's service  
30 area for payment of emergency screening examinations **and for payment of referral services re-**  
31 **quired by subsection (3) of this section.**

**NOTE:** Matter in **boldfaced** type in an amended section is new; matter [*italic and bracketed*] is existing law to be omitted.  
New sections are in **boldfaced** type.

1        [(6)] (7) As used in [subsections (1) and (2) of] this section, “emergency medical services” means  
2        medical services that are usually and customarily available at the respective hospital and that must  
3        be provided immediately to sustain a person’s life, to prevent serious permanent disfigurement or  
4        loss or impairment of the function of a bodily member or organ, or to provide care of a woman in  
5        her labor where delivery is imminent if the hospital is so equipped and, if the hospital is not  
6        equipped, to provide necessary treatment to allow the woman to travel to a more appropriate facility  
7        without undue risk of serious harm.

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