

**HOUSE AMENDMENTS TO
A-ENGROSSED SENATE BILL 64
(INCLUDING AMENDMENTS TO RESOLVE CONFLICTS)**

By COMMITTEE ON HEALTH CARE

May 14

1 On page 4 of the printed A-engrossed bill, after line 32, insert:

2 “**SECTION 5a. If Senate Bill 16 becomes law, section 5 of this 2019 Act (amending ORS**
3 **343.146) is repealed.**”

4 On page 21, after line 33, insert:

5 “**SECTION 15a. If Senate Bill 127 becomes law, section 15 of this 2019 Act (amending ORS**
6 **441.098) is repealed and ORS 441.098, as amended by section 2, chapter __, Oregon Laws 2019**
7 **(Enrolled Senate Bill 127), is amended to read:**

8 “441.098. (1) As used in this section and ORS 441.099 and 441.991:

9 “(a) ‘Facility’ means a hospital, outpatient clinic owned by a hospital, ambulatory surgical center,
10 freestanding birthing center or facility that receives Medicare reimbursement as an independent
11 diagnostic testing facility.

12 “(b) ‘Financial interest’ means a five percent or greater direct or indirect ownership interest.

13 “(c)(A) ‘Health practitioner’ means a physician, naturopathic physician licensed under ORS
14 chapter 685, dentist, direct entry midwife, [*licensed registered nurse who is certified by the Oregon*
15 *State Board of Nursing as a nurse practitioner specializing in nurse midwifery, certified nurse practi-*
16 *tioner,*] licensed physician assistant or medical imaging licensee under ORS 688.405 to 688.605 **or a**
17 **nurse practitioner or nurse practitioner specializing in nurse midwifery licensed under ORS**
18 **chapter 678.**

19 “(B) ‘Health practitioner’ does not include a provider in a health maintenance organization as
20 defined in ORS 750.005.

21 “(d) ‘Physician’ has the meaning given that term in ORS 677.010.

22 “(2) A health practitioner’s decision to refer a patient to a facility for a diagnostic test or health
23 care treatment or service shall be based on the patient’s clinical needs and personal health choices.

24 “(3) If a health practitioner refers a patient for a diagnostic test or health care treatment or
25 service at a facility in which the health practitioner or an immediate family member of the health
26 practitioner has a financial interest, the health practitioner or the practitioner’s designee shall in-
27 form the patient orally and in writing of that interest at the time of the referral.

28 “(4)(a) If a health practitioner refers a patient to a facility for a diagnostic test or health care
29 treatment or service, the health practitioner or the practitioner’s designee shall inform the patient,
30 in the form and manner prescribed by the Oregon Health Authority by rule, that:

31 “(A) The patient may receive the test, treatment or service at a different facility of the patient’s
32 choice; and

33 “(B) If the patient chooses a different facility, the patient should contact the patient’s insurer
34 regarding the extent of coverage or the limitations on coverage for the test, treatment or service

1 at the facility chosen by the patient.

2 “(b) Rules concerning the form and manner for informing a patient as required by this sub-
3 section shall:

4 “(A) Be designed to ensure that the information is conveyed in a timely and meaningful manner;

5 “(B) Be administratively simple; and

6 “(C) Accommodate a provider’s adoption and use of electronic health record systems.

7 “(5) A health practitioner may not deny, limit or withdraw a referral to a facility solely for the
8 reason that the patient chooses to obtain the test, treatment or service from a different facility.

9 “(6) The authority may not impose additional restrictions or limitations on any referral de-
10 scribed in this section that are in addition to the requirements specified in subsections (3) and (4)
11 of this section.

12 “(7) In obtaining informed consent for a diagnostic test or health care treatment or service that
13 will take place at a facility, a health practitioner shall disclose the manner in which care will be
14 provided in the event that complications occur that require health services beyond what the facility
15 has the capability to provide.

16 “(8) Subsections (3) to (5) of this section do not apply to a referral for a diagnostic test or health
17 care treatment or service:

18 “(a) For a patient who is receiving inpatient hospital services or services in an emergency de-
19 partment if the referral is for a diagnostic test or health care treatment or service to be performed
20 while the patient is in the hospital or emergency department;

21 “(b) Made to a particular facility after the initial referral of the patient to that facility; or

22 “(c) Made by the facility or provider to whom a patient was referred.”.

23 On page 29, after line 10, insert:

24 “**SECTION 25a. If Senate Bill 66 becomes law, section 25 of this 2019 Act (amending ORS**
25 **678.040) is repealed and ORS 678.040, as amended by section 1, chapter __, Oregon Laws 2019**
26 **(Enrolled Senate Bill 66), is amended to read:**

27 “678.040. An applicant for a license under ORS 678.010 to 678.448 shall provide to the Oregon
28 State Board of Nursing satisfactory evidence that the applicant’s physical and mental health is such
29 that it is safe for the applicant to practice, and that:

30 “(1) The applicant has graduated:

31 “(a) From a registered nurse or licensed practical nurse nursing education program [*accredited*]
32 **approved** by the Oregon State Board of Nursing;

33 “(b) From a nursing program in the United States that:

34 “(A) Is accredited **or approved** by the licensing board for nurses in a particular state or United
35 States territory and approved by the Oregon State Board of Nursing; or

36 “(B) If the licensing board is not the accrediting **or approval** agency in that state or United
37 States territory, is accredited **or approved** by the appropriate [*accrediting*] agency for that state or
38 United States territory and approved by the Oregon State Board of Nursing;

39 “(c) In another country and has an education equivalent to that provided by accredited **or ap-**
40 **proved** programs in this country; or

41 “(d) From a military training program that the board specifies by rule to be qualified as a
42 nursing education program for a licensed practical nurse; or

43 “(2) If the applicant is an applicant for licensure by indorsement, the applicant has been licensed
44 as a licensed practical nurse in another state or territory of the United States based upon recogni-
45 tion of the applicant’s military education.”.

1 On page 49, after line 18, insert:

2 “**SECTION 51a.** If Senate Bill 16 becomes law, section 51 of this 2019 Act is amended to read:

3 “**Sec. 51.** (1) The amendments to ORS 336.479, 336.485, 342.475, [343.146,] 414.025, 414.625,
4 417.875, 426.005, 430.010, 438.010, 441.064, 441.098, 475.005, 496.018, 659A.150, 676.115, 676.340,
5 678.010, 678.023, 678.031, 678.040, 678.050, 678.101, 678.111, 678.113, 678.123, 678.150, 678.285, 678.340,
6 678.360, 678.370, 678.372, 678.375, 678.380, 678.390, 678.410, 743A.012, 743A.036, 807.240, 811.604 and
7 811.611 and section 3, chapter 297, Oregon Laws 2013, section 1, chapter 694, Oregon Laws 2017,
8 section 1, chapter 63, Oregon Laws 2018, and sections 3 and 4, chapter 121, Oregon Laws 2018, by
9 sections 1, 2, 4 to 9 and 11 to 50 of this 2019 Act become operative on January 1, 2020.

10 “(2) The Oregon State Board of Nursing may take any action before the operative date specified
11 in subsection (1) of this section that is necessary to enable the board to exercise, on and after the
12 operative date specified in subsection (1) of this section, all of the duties, functions and powers
13 conferred on the board by the amendments to ORS 336.479, 336.485, 342.475, [343.146,] 414.025,
14 414.625, 417.875, 426.005, 430.010, 438.010, 441.064, 441.098, 475.005, 496.018, 659A.150, 676.115,
15 676.340, 678.010, 678.023, 678.031, 678.040, 678.050, 678.101, 678.111, 678.113, 678.123, 678.150, 678.285,
16 678.340, 678.360, 678.370, 678.372, 678.375, 678.380, 678.390, 678.410, 743A.012, 743A.036, 807.240,
17 811.604 and 811.611 and section 3, chapter 297, Oregon Laws 2013, section 1, chapter 694, Oregon
18 Laws 2017, section 1, chapter 63, Oregon Laws 2018, and sections 3 and 4, chapter 121, Oregon Laws
19 2018, by sections 1, 2, 4 to 9 and 11 to 50 of this 2019 Act.”.

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