

At the request of Oregon Health Care Association

**PROPOSED AMENDMENTS TO
HOUSE BILL 4016**

1 In line 2 of the printed bill, delete “and declaring an emergency” and in-
2 sert “creating new provisions; amending ORS 409.815; and prescribing an ef-
3 fective date”.

4 Delete lines 4 through 10 and insert:

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

6 **“(a) ‘Emergency care’ has the meaning given that term in ORS**
7 **682.025.**

8 **“(b) ‘Long term care facility’ has the meaning given that term in**
9 **ORS 442.015.**

10 **“(c) ‘Residential care facility’ has the meaning given that term in**
11 **ORS 443.400.**

12 **“(2) The Emergency Medical Services Innovation Program is estab-**
13 **lished in the Department of Human Services. The purpose of the pro-**
14 **gram is to select, provide funding to and monitor local public sector**
15 **pilot projects that:**

16 **“(a) Provide innovative strategies for addressing the emergency**
17 **medical services needs of this state’s increasing number of aging res-**
18 **idents who receive care and services in residential care facilities and**
19 **long term care facilities;**

20 **“(b) Encourage the efficient and appropriate use of emergency**
21 **medical services;**

1 “(c) Reduce the costs of emergency medical services while promot-
2 ing quality emergency medical services; and

3 “(d) Encourage unique community-based responses to challenges
4 faced by local communities in meeting their residents’ needs for
5 emergency medical services.

6 “(3) The Emergency Medical Services Advisory Council is estab-
7 lished consisting of the following seven members appointed by the
8 Governor:

9 “(a) One member representing long term care facilities;

10 “(b) One member representing residential care facilities;

11 “(c) One member who is a nurse or clinician in a long term care
12 facility or a residential care facility;

13 “(d) One member representing an urban or suburban fire depart-
14 ment or a city fire department that provides emergency medical ser-
15 vices;

16 “(e) One member representing a rural fire protection district or-
17 ganized under ORS chapter 478;

18 “(f) One member who enters into agreements with a public sector
19 entity to provide emergency medical services; and

20 “(g) One member who is a physician licensed under ORS chapter
21 677 or other health care practitioner with expertise in emergency care.

22 “(4) The council shall advise and make recommendations to the
23 Department of Human Services on:

24 “(a) Minimum standards and data reporting requirements for pilot
25 projects funded through the program;

26 “(b) The application process and timelines for the consideration of
27 applications for funding of pilot projects;

28 “(c) The criteria for the selection of pilot projects to participate in
29 the program; and

30 “(d) Other factors identified by the council as likely to facilitate

1 **successful pilot projects.**

2 **“(5) A majority of the members of the council constitutes a quorum**
3 **for the transaction of business.**

4 **“(6) Official action by the council requires the approval of a ma-**
5 **jority of the members of the council.**

6 **“(7) The council shall elect one of its members to serve as chair-**
7 **person.**

8 **“(8) If there is a vacancy for any cause, the Governor shall make**
9 **an appointment to become immediately effective.**

10 **“(9) The council shall meet at times and places specified by the call**
11 **of the chairperson or of a majority of the members of the council.**

12 **“(10) The council may adopt rules necessary for the operation of the**
13 **council.**

14 **“(11) The department shall submit a report, in the manner provided**
15 **in ORS 192.245, on the pilot projects selected for the program, the**
16 **success achieved by each pilot project in meeting the goals of the**
17 **program described in subsection (2) of this section and any recom-**
18 **mendations for legislative changes necessary to improve the emer-**
19 **gency services provided throughout this state.**

20 **“(12) The department shall provide staff support to the council.**

21 **“(13) Members of the council are not entitled to compensation or**
22 **reimbursement for expenses and serve as volunteers on the council.**

23 **“(14) All agencies of state government, as defined in ORS 174.111,**
24 **are directed to assist the council in the performance of the duties of**
25 **the council and, to the extent permitted by laws relating to**
26 **confidentiality, to furnish information and advice the members of the**
27 **council consider necessary to perform their duties.**

28 **“SECTION 2. (1) As used in this section:**

29 **“(a) ‘Emergency care’ has the meaning given that term in ORS**
30 **682.025.**

1 **“(b) ‘Emergency medical services provider’ has the meaning given**
2 **that term in ORS 682.025.**

3 **“(c) ‘Local government’ has the meaning given that term in ORS**
4 **174.116.**

5 **“(d) ‘Long term care facility’ has the meaning given that term in**
6 **ORS 442.015.**

7 **“(e) ‘Residential care facility’ has the meaning given that term in**
8 **ORS 443.400.**

9 **“(2) The governing body of a local government may not enact or**
10 **enforce any charter provision, ordinance, resolution or other regu-**
11 **lation that:**

12 **“(a) Regulates a long term care facility or residential care facility**
13 **that is regulated by the Department of Human Services under state**
14 **or federal law, or pursuant to rules adopted by the department; or**

15 **“(b) Imposes fees or other requirements that apply exclusively to**
16 **long term care facilities or residential care facilities and are not gen-**
17 **erally applicable to business entities operating within the jurisdiction**
18 **of the local government.**

19 **“(3) Subsection (2) of this section does not apply to:**

20 **“(a) Local government authority expressly provided by state law;**
21 **or**

22 **“(b) Laws that impose a fine, fee, charge or sanction against long**
23 **term care facilities or residential care facilities that contact an emer-**
24 **gency medical services provider to assist residents who have fallen but**
25 **who are not in apparent need of emergency care.**

26 **“SECTION 3. ORS 409.815 is amended to read:**

27 **“409.815. (1) The Long Term Care Facility Quality Assurance Fund is es-**
28 **tablished in the State Treasury, separate and distinct from the General Fund.**
29 **Interest earned by the Long Term Care Facility Quality Assurance Fund**
30 **shall be credited to the fund.**

1 “(2) Amounts in the Long Term Care Facility Quality Assurance Fund are
2 continuously appropriated to the Department of Human Services for the
3 purposes of:

4 “(a) Paying refunds due under ORS 409.810;

5 “(b) **Funding the Emergency Medical Services Innovation Program**
6 **established in section 1 of this 2020 Act;** and

7 “(c) Funding long term care facilities, as defined in ORS 409.800, that are
8 a part of the Oregon Medicaid reimbursement system.

9 “(3) Funds in the Long Term Care Facility Quality Assurance Fund and
10 the matching federal financial participation under Title XIX of the Social
11 Security Act may be used to fund Medicaid-certified long term care facilities
12 using only the reimbursement methodology described in subsection (4) of this
13 section to achieve a rate of reimbursement greater than the rate in effect
14 on June 30, 2003.

15 “(4)(a) The department shall make additional payments to Medicaid-
16 certified long term care facilities using a reimbursement methodology that
17 includes, but is not limited to, all of the following:

18 “(A) Rebasing on July 1 of each year;

19 “(B) Continuing the use of the pediatric rate;

20 “(C) Continuing the use of the complex medical needs additional payment;
21 and

22 “(D) Discontinuing the use of the relationship percentage, except when
23 calculating the pediatric rate in subparagraph (B) of this paragraph.

24 “(b) In addition to the reimbursement methodology described in paragraph
25 (a) of this subsection, the department may adopt and implement rates appli-
26 cable to patients with complex medical needs for which the reimbursement
27 methodology described in paragraph (a) of this subsection is insufficient.

28 “(5) For the period beginning July 1, 2018, and ending June 30, 2026, the
29 department shall reimburse costs at a rate not lower than the 62nd percentile
30 of rebased allowable costs for that period.

1 **“SECTION 4.** ORS 409.815, as amended by section 3 of this 2020 Act, is
2 amended to read:

3 “409.815. (1) The Long Term Care Facility Quality Assurance Fund is es-
4 tablished in the State Treasury, separate and distinct from the General Fund.
5 Interest earned by the Long Term Care Facility Quality Assurance Fund
6 shall be credited to the fund.

7 “(2) Amounts in the Long Term Care Facility Quality Assurance Fund are
8 continuously appropriated to the Department of Human Services for the
9 purposes of:

10 “(a) Paying refunds due under ORS 409.810;

11 “[(b) *Funding the Emergency Medical Services Innovation Program estab-*
12 *lished in section 1 of this 2020 Act;*] and

13 “[(c)] (b) Funding long term care facilities, as defined in ORS 409.800, that
14 are a part of the Oregon Medicaid reimbursement system.

15 “(3) Funds in the Long Term Care Facility Quality Assurance Fund and
16 the matching federal financial participation under Title XIX of the Social
17 Security Act may be used to fund Medicaid-certified long term care facilities
18 using only the reimbursement methodology described in subsection (4) of this
19 section to achieve a rate of reimbursement greater than the rate in effect
20 on June 30, 2003.

21 “(4)(a) The department shall make additional payments to Medicaid-
22 certified long term care facilities using a reimbursement methodology that
23 includes, but is not limited to, all of the following:

24 “(A) Rebasing on July 1 of each year;

25 “(B) Continuing the use of the pediatric rate;

26 “(C) Continuing the use of the complex medical needs additional payment;
27 and

28 “(D) Discontinuing the use of the relationship percentage, except when
29 calculating the pediatric rate in subparagraph (B) of this paragraph.

30 “(b) In addition to the reimbursement methodology described in paragraph

1 (a) of this subsection, the department may adopt and implement rates appli-
2 cable to patients with complex medical needs for which the reimbursement
3 methodology described in paragraph (a) of this subsection is insufficient.

4 “(5) For the period beginning July 1, 2018, and ending June 30, 2026, the
5 department shall reimburse costs at a rate not lower than the 62nd percentile
6 of rebased allowable costs for that period.

7 **“SECTION 5. The amendments to ORS 409.815 by section 4 of this
8 2020 Act become operative on January 2, 2024.**

9 **“SECTION 6. Section 1 of this 2020 Act is repealed on January 2,
10 2024.**

11 **“SECTION 7. This 2020 Act takes effect on the 91st day after the
12 date on which the 2020 regular session of the Eightieth Legislative
13 Assembly adjourns sine die.”.**

14 _____