

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 443.001; 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)(a) The Emergency Medical Services Innovation Program is es-**  
13 **tablished in the Department of Human Services. The purpose of the**  
14 **program is to select, provide funding to and monitor local public sec-**  
15 **tor 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       **“(b) The department shall provide funding to a pilot project de-**  
7 **scribed in this subsection from moneys deposited in the Quality Care**  
8 **Fund established under ORS 443.001.**

9       **“(3) The Emergency Medical Services Advisory Council is estab-**  
10 **lished consisting of the following seven members appointed by the**  
11 **Governor:**

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

13       **“(b) One member representing residential care facilities;**

14       **“(c) One member who is a nurse or clinician in a long term care**  
15 **facility or a residential care facility;**

16       **“(d) One member representing an urban or suburban fire depart-**  
17 **ment or a city fire department that provides emergency medical ser-**  
18 **vices;**

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

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

23       **“(g) One member who is a physician licensed under ORS chapter**  
24 **677 or other health care practitioner with expertise in emergency care.**

25       **“(4) The council shall advise and make recommendations to the**  
26 **Department of Human Services on:**

27       **“(a) Minimum standards and data reporting requirements for pilot**  
28 **projects funded through the program;**

29       **“(b) The application process and timelines for the consideration of**  
30 **applications for funding of pilot projects;**

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

3       “(d) Other factors identified by the council as likely to facilitate  
4 successful pilot projects.

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

7       “(6) Official action by the council requires the approval of a ma-  
8 jority of the members of the council.

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

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

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

15       “(10) The council may adopt rules necessary for the operation of the  
16 council.

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

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

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

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

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

2       **“(a) ‘Emergency care’ has the meaning given that term in ORS**  
3 **682.025.**

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

6       **“(c) ‘Local government’ has the meaning given that term in ORS**  
7 **174.116.**

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

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

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

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

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

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

23       **“(a) Local government authority expressly provided by state law;**  
24 **or**

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

29       **“SECTION 3. ORS 443.001 is amended to read:**

30       **“443.001. The Quality Care Fund is established in the State Treasury,**

1 separate and distinct from the General Fund. Interest earned by the Quality  
2 Care Fund shall be credited to the Quality Care Fund. Moneys in the fund  
3 are continuously appropriated to the Department of Human Services and the  
4 Oregon Health Authority for:

5 “(1) Training, technical assistance, quality improvement initiatives and  
6 licensing activities to ensure that high standards for quality of care are met  
7 in accordance with rules adopted with respect to:

8 “[1] (a) A long term care facility as defined in ORS 442.015;

9 “[2] (b) A residential facility as defined in ORS 443.400, including but  
10 not limited to an assisted living facility; and

11 “[3] (c) An adult foster home as defined in ORS 443.705[.]; **and**

12 **“(2) Purposes of section 1 (2) of this 2020 Act.**

13 **“SECTION 4.** ORS 443.001, as amended by section 3 of this 2020 Act, is  
14 amended to read:

15 “443.001. The Quality Care Fund is established in the State Treasury,  
16 separate and distinct from the General Fund. Interest earned by the Quality  
17 Care Fund shall be credited to the Quality Care Fund. Moneys in the fund  
18 are continuously appropriated to the Department of Human Services and the  
19 Oregon Health Authority for[:]

20 “[1] training, technical assistance, quality improvement initiatives and  
21 licensing activities to ensure that high standards for quality of care are met  
22 in accordance with rules adopted with respect to:

23 “[a] (1) A long term care facility as defined in ORS 442.015;

24 “[b] (2) A residential facility as defined in ORS 443.400, including but  
25 not limited to an assisted living facility; and

26 “[c] (3) An adult foster home as defined in ORS 443.705.[; and]

27 “[2] *Purposes of section 1 (2) of this 2020 Act.*]

28 **“SECTION 5. The amendments to ORS 443.001 by section 4 of this**  
29 **2020 Act become operative on January 2, 2024.**

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

1 **2024.**

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

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