

SB 567 -1 STAFF MEASURE SUMMARY

Senate Committee On Health Care

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Meeting Dates: 3/3, 3/8, 3/17

WHAT THE MEASURE DOES:

Defines terms. Prohibits licensed or certified health care providers or individuals acting on behalf of a provider from denying, limiting, or restricting a medical service based on a patient's race, color, national origin, sex, sexual orientation, gender identity, age, or disability. Declares emergency, effective on passage.

ISSUES DISCUSSED:

- Ability of individuals with a disability to access in-patient medical services and support persons during the COVID-19 crisis; denial of the rights of individuals with disabilities during the pandemic
- Senate Bill 1606 (2020 1st Special Session)
- Alignment with federal law, guidance, and Office for Civil Rights
- Denial of health services to an individual based on their protected class
- Vaccine distribution among priority populations in Oregon
- Oregon Bureau of Labor and Industries (BOLI), Civil Rights Division; enforcement authority related to denial of medical services and discrimination
- Individual's ability to maintain discretion and autonomy to make end-of-life decisions
- Unlawful practice due to protected class; access to civil remedy compared to seeking remedy through professional licensure boards

EFFECT OF AMENDMENT:

-1 Deletes reference to "patient's family."

REVENUE: statement issued - no revenue impact.

FISCAL: statement issued - further analysis required.

BACKGROUND:

Enacted on March 23, 2010, Section 1557 of the Affordable Care Act (ACA) prohibits any health care program or activity (e.g., insurance companies, health systems or hospitals, and individual providers), which receives federal financial assistance (e.g., Medicare, Medicaid) from discriminating against patients due to race, color, national origin, or disability. Section 1557 of the ACA incorporated existing federal civil rights laws, specifically, Title VI of the Civil Rights Act of 1964 (race, color, national origin), Title IX of the Education Amendments of 1972 (sex), the Age Discrimination Act of 1975, 42 USC § 200d *et seq.* (race, color, national origin), Section 504 of the Rehabilitation Act of 1973 (disability) and 29 USC § 794 (disability).

In response to the COVID-19 pandemic, many Oregon hospitals revised their visitor policies to be more restrictive in order to help protect the health of patients, providers, and staff. During the 1st Special Session of 2020, Senate Bill 1606 passed, which prohibits hospitals from discriminating against individuals with a disability when seeking and accessing medical treatment.

Senate Bill 567 prohibits discrimination in health care based on a patient's race, color, national origin, sex, sexual orientation, gender identity, age, or disability.