

SB 567 A -A6 STAFF MEASURE SUMMARY

Joint Committee On Ways and Means

Prepared By: Kim To, Fiscal Analyst

Meeting Dates: 6/14, 6/16

WHAT THE MEASURE DOES:

Defines terms and 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.

ISSUES DISCUSSED:

- The amendment
- Fiscal impact of measure

EFFECT OF AMENDMENT:

-A6 Makes clarifying wording changes and adds that nothing in this measure: (1) restricts the authority of a patient, or an individual legally authorized to act on behalf of a patient, to consent to or decline medical treatment; or (2) restricts a provider from providing objective information to the patient about the risks and benefits of treatment.

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. Passed in the 1st Special Session of 2020, Senate Bill 1606 prohibits hospitals from discriminating against individuals with a disability when seeking and accessing medical treatment.