

## HOUSE AMENDMENTS TO HOUSE BILL 2164

By COMMITTEE ON HEALTH CARE

April 19

1 In line 2 of the printed bill, after the semicolon insert “creating new provisions; amending ORS  
2 192.556, 413.201, 413.225, 414.231 and 414.578;”.

3 Delete lines 4 through 9 and insert:

4 “**SECTION 1.** ORS 414.231 is amended to read:

5 “414.231. (1) As used in this section[, ‘child’ ]:

6 “(a) ‘Parent’ has the meaning prescribed by the Oregon Health Authority by rule.

7 “(b) ‘Youth’ means a person [under 19] **26** years of age or younger.

8 “(2) The [Health Care for All Oregon Children] **Cover All People** program is established to make  
9 affordable, accessible health care available to all [of Oregon’s children] **youth and their parents**  
10 **in this state**. The program provides medical assistance [to children], funded in whole or in part by  
11 Title XIX of the Social Security Act, by the State Children’s Health Insurance Program under Title  
12 XXI of the Social Security Act [and] or by moneys appropriated or allocated for that purpose by the  
13 Legislative Assembly.

14 “(3) A [child is] **youth and the parents of the youth are** eligible for medical assistance under  
15 subsection (2) of this section if the [child resides in this state and the income of the child’s family is  
16 at or below 300 percent of the federal poverty guidelines] **youth or the youth and the youth’s**  
17 **parents:**

18 “(a) **Reside in this state; and**

19 “(b) **Would be eligible for medical assistance but for immigration status.**

20 “(4) There is no asset limit to qualify for the program.

21 “(5)(a) A [child] **youth** receiving medical assistance through the [Health Care for All Oregon  
22 Children] **Cover All People** program is continuously eligible for a minimum period of 12 months or  
23 until the [child] **youth** reaches [19] **27** years of age, whichever comes first.

24 “(b) The Department of Human Services or the [Oregon Health] authority shall reenroll a  
25 [child] **youth** for successive 12-month periods of enrollment as long as the [child] **youth** is eligible  
26 for medical assistance on the date of reenrollment and the [child] **youth** has not yet reached [19]  
27 **27** years of age.

28 “(c) A [child] **youth** may not be required to submit a new application as a condition of reen-  
29 rollment under paragraph (b) of this subsection.

30 “(6) The department or the authority must determine [the child’s] eligibility for or reenrollment  
31 in medical assistance **under this section** using information and sources available to the department  
32 or the authority. If information and sources available to the department or the authority are not  
33 adequate to verify [the child’s] eligibility, the department or the authority may require the [child or  
34 the child’s] **parent, the youth or the youth’s** caretaker to provide additional documentation in  
35 accordance with ORS 411.400 and 411.402. Information requested or obtained by the department or

1 the authority under this subsection is subject to the requirements of ORS 410.150 and 413.175.

2 “**SECTION 2.** ORS 413.201 is amended to read:

3 “413.201. (1) The Oregon Health Authority is responsible for statewide outreach and [marketing  
4 of the Health Care for All Oregon Children] **education about the Cover All People** program estab-  
5 lished in ORS 414.231 and administered by the authority with the goal of enrolling in the program  
6 all eligible [children] **individuals** residing in this state. The authority, in collaboration with the work  
7 group described in subsection (3) of this section, shall evaluate and implement the outreach, [and  
8 marketing] **education and engagement** strategies designed to most effectively encourage [the] en-  
9 rollment [of children] in the program.

10 “(2) To maximize the enrollment and retention of eligible [children] **individuals** in the [Health  
11 Care for All Oregon Children] **Cover All People** program, the authority shall develop and administer  
12 a grant program to provide funding to organizations and community based groups to deliver cul-  
13 turally specific and targeted outreach, [and direct] application assistance **and navigation** to:

14 “(a) Members of racial, ethnic and language minority communities;

15 “(b) Children **and families** living in geographic isolation; and

16 “(c) Children and [family members] **families** with additional barriers to accessing health care,  
17 such as cognitive, mental health or sensory disorders, physical disabilities or chemical  
18 dependency[, and children experiencing] **or** homelessness.

19 “(3) The authority shall convene a work group, consisting of individuals with experience in  
20 conducting outreach to the individuals described in subsection (2)(a) to (c) of this section, to advise  
21 and assist the authority in carrying out its duties under this section.

22 “**SECTION 3.** ORS 192.556 is amended to read:

23 “192.556. As used in ORS 192.553 to 192.581:

24 “(1) ‘Authorization’ means a document written in plain language that contains at least the fol-  
25 lowing:

26 “(a) A description of the information to be used or disclosed that identifies the information in  
27 a specific and meaningful way;

28 “(b) The name or other specific identification of the person or persons authorized to make the  
29 requested use or disclosure;

30 “(c) The name or other specific identification of the person or persons to whom the covered  
31 entity may make the requested use or disclosure;

32 “(d) A description of each purpose of the requested use or disclosure, including but not limited  
33 to a statement that the use or disclosure is at the request of the individual;

34 “(e) An expiration date or an expiration event that relates to the individual or the purpose of  
35 the use or disclosure;

36 “(f) The signature of the individual or personal representative of the individual and the date;

37 “(g) A description of the authority of the personal representative, if applicable; and

38 “(h) Statements adequate to place the individual on notice of the following:

39 “(A) The individual’s right to revoke the authorization in writing;

40 “(B) The exceptions to the right to revoke the authorization;

41 “(C) The ability or inability to condition treatment, payment, enrollment or eligibility for bene-  
42 fits on whether the individual signs the authorization; and

43 “(D) The potential for information disclosed pursuant to the authorization to be subject to  
44 redisclosure by the recipient and no longer protected.

45 “(2) ‘Covered entity’ means:

1       “(a) A state health plan;  
2       “(b) A health insurer;  
3       “(c) A health care provider that transmits any health information in electronic form to carry  
4 out financial or administrative activities in connection with a transaction covered by ORS 192.553  
5 to 192.581; or  
6       “(d) A health care clearinghouse.  
7       “(3) ‘Health care’ means care, services or supplies related to the health of an individual.  
8       “(4) ‘Health care operations’ includes but is not limited to:  
9       “(a) Quality assessment, accreditation, auditing and improvement activities;  
10       “(b) Case management and care coordination;  
11       “(c) Reviewing the competence, qualifications or performance of health care providers or health  
12 insurers;  
13       “(d) Underwriting activities;  
14       “(e) Arranging for legal services;  
15       “(f) Business planning;  
16       “(g) Customer services;  
17       “(h) Resolving internal grievances;  
18       “(i) Creating deidentified information; and  
19       “(j) Fundraising.  
20       “(5) ‘Health care provider’ includes but is not limited to:  
21       “(a) A psychologist, occupational therapist, regulated social worker, professional counselor or  
22 marriage and family therapist licensed or otherwise authorized to practice under ORS chapter 675  
23 or an employee of the psychologist, occupational therapist, regulated social worker, professional  
24 counselor or marriage and family therapist;  
25       “(b) A physician or physician assistant licensed under ORS chapter 677, an acupuncturist li-  
26 censed under ORS 677.759 or an employee of the physician, physician assistant or acupuncturist;  
27       “(c) A nurse or nursing home administrator licensed under ORS chapter 678 or an employee of  
28 the nurse or nursing home administrator;  
29       “(d) A dentist licensed under ORS chapter 679 or an employee of the dentist;  
30       “(e) A dental hygienist or denturist licensed under ORS chapter 680 or an employee of the  
31 dental hygienist or denturist;  
32       “(f) A speech-language pathologist or audiologist licensed under ORS chapter 681 or an em-  
33 ployee of the speech-language pathologist or audiologist;  
34       “(g) An emergency medical services provider licensed under ORS chapter 682;  
35       “(h) An optometrist licensed under ORS chapter 683 or an employee of the optometrist;  
36       “(i) A chiropractic physician licensed under ORS chapter 684 or an employee of the chiropractic  
37 physician;  
38       “(j) A naturopathic physician licensed under ORS chapter 685 or an employee of the  
39 naturopathic physician;  
40       “(k) A massage therapist licensed under ORS 687.011 to 687.250 or an employee of the massage  
41 therapist;  
42       “(L) A direct entry midwife licensed under ORS 687.405 to 687.495 or an employee of the direct  
43 entry midwife;  
44       “(m) A physical therapist licensed under ORS 688.010 to 688.201 or an employee of the physical  
45 therapist;

1 “(n) A medical imaging licensee under ORS 688.405 to 688.605 or an employee of the medical  
2 imaging licensee;

3 “(o) A respiratory care practitioner licensed under ORS 688.815 or an employee of the respir-  
4 atory care practitioner;

5 “(p) A polysomnographic technologist licensed under ORS 688.819 or an employee of the poly-  
6 somnographic technologist;

7 “(q) A pharmacist licensed under ORS chapter 689 or an employee of the pharmacist;

8 “(r) A dietitian licensed under ORS 691.405 to 691.485 or an employee of the dietitian;

9 “(s) A funeral service practitioner licensed under ORS chapter 692 or an employee of the funeral  
10 service practitioner;

11 “(t) A health care facility as defined in ORS 442.015;

12 “(u) A home health agency as defined in ORS 443.014;

13 “(v) A hospice program as defined in ORS 443.850;

14 “(w) A clinical laboratory as defined in ORS 438.010;

15 “(x) A pharmacy as defined in ORS 689.005; and

16 “(y) Any other person or entity that furnishes, bills for or is paid for health care in the normal  
17 course of business.

18 “(6) ‘Health information’ means any oral or written information in any form or medium that:

19 “(a) Is created or received by a covered entity, a public health authority, an employer, a life  
20 insurer, a school, a university or a health care provider that is not a covered entity; and

21 “(b) Relates to:

22 “(A) The past, present or future physical or mental health or condition of an individual;

23 “(B) The provision of health care to an individual; or

24 “(C) The past, present or future payment for the provision of health care to an individual.

25 “(7) ‘Health insurer’ means an insurer as defined in ORS 731.106 who offers:

26 “(a) A health benefit plan as defined in ORS 743B.005;

27 “(b) A short term health insurance policy, the duration of which does not exceed three months  
28 including renewals;

29 “(c) A student health insurance policy;

30 “(d) A Medicare supplemental policy; or

31 “(e) A dental only policy.

32 “(8) ‘Individually identifiable health information’ means any oral or written health information  
33 in any form or medium that is:

34 “(a) Created or received by a covered entity, an employer or a health care provider that is not  
35 a covered entity; and

36 “(b) Identifiable to an individual, including demographic information that identifies the individ-  
37 ual, or for which there is a reasonable basis to believe the information can be used to identify an  
38 individual, and that relates to:

39 “(A) The past, present or future physical or mental health or condition of an individual;

40 “(B) The provision of health care to an individual; or

41 “(C) The past, present or future payment for the provision of health care to an individual.

42 “(9) ‘Payment’ includes but is not limited to:

43 “(a) Efforts to obtain premiums or reimbursement;

44 “(b) Determining eligibility or coverage;

45 “(c) Billing activities;

1 “(d) Claims management;  
2 “(e) Reviewing health care to determine medical necessity;  
3 “(f) Utilization review; and  
4 “(g) Disclosures to consumer reporting agencies.  
5 “(10) ‘Personal representative’ includes but is not limited to:  
6 “(a) A person appointed as a guardian under ORS 125.305, 419B.372, 419C.481 or 419C.555 with  
7 authority to make medical and health care decisions;  
8 “(b) A person appointed as a health care representative under ORS 127.505 to 127.660 or a rep-  
9 resentative under ORS 127.700 to 127.737 to make health care decisions or mental health treatment  
10 decisions;  
11 “(c) A person appointed as a personal representative under ORS chapter 113; and  
12 “(d) A person described in ORS 192.573.  
13 “(11)(a) ‘Protected health information’ means individually identifiable health information that is  
14 maintained or transmitted in any form of electronic or other medium by a covered entity.  
15 “(b) ‘Protected health information’ does not mean individually identifiable health information in:  
16 “(A) Education records covered by the federal Family Educational Rights and Privacy Act (20  
17 U.S.C. 1232g);  
18 “(B) Records described at 20 U.S.C. 1232g(a)(4)(B)(iv); or  
19 “(C) Employment records held by a covered entity in its role as employer.  
20 “(12) ‘State health plan’ means:  
21 “(a) Medical assistance as defined in ORS 414.025;  
22 “(b) The [*Health Care for All Oregon Children*] **Cover All People** program; or  
23 “(c) Any medical assistance or premium assistance program operated by the Oregon Health  
24 Authority.  
25 “(13) ‘Treatment’ includes but is not limited to:  
26 “(a) The provision, coordination or management of health care; and  
27 “(b) Consultations and referrals between health care providers.  
28 “**SECTION 4.** ORS 413.225 is amended to read:  
29 “413.225. (1) As used in this section:  
30 “(a) ‘Community health center or safety net clinic’ means a nonprofit medical clinic or school-  
31 based health center that provides primary physical health, vision, dental or mental health services  
32 to low-income patients without charge or using a sliding scale based on the income of the patient.  
33 “(b) ‘School-based health center’ means a health clinic that:  
34 “(A) Is located on the grounds of a school in a school district or on the grounds of a school  
35 operated by a federally recognized Indian tribe or tribal organization;  
36 “(B) Is organized through collaboration among schools, communities and health providers, in-  
37 cluding public health authorities;  
38 “(C) Is administered by a county, state, federal or private organization that ensures that certi-  
39 fication requirements are met and provides project funding through grants, contracts, billing or  
40 other sources of funds;  
41 “(D) Is operated exclusively for the purpose of providing health services such as:  
42 “(i) Primary care;  
43 “(ii) Preventive health care;  
44 “(iii) Management and monitoring of chronic health conditions;  
45 “(iv) Behavioral health care;

1 “(v) Oral health care;

2 “(vi) Health education services; and

3 “(vii) The administration of vaccines recommended by the Centers for Disease Control and Pre-

4 vention;

5 “(E) Provides health services to children and adolescents by licensed or certified health profes-

6 sionals; and

7 “(F) May provide one or more health services to children and adolescents by:

8 “(i) A student enrolled in a professional medical, nursing or dental program at an accredited

9 university if the health service is within the student’s field of study and training; or

10 “(ii) An expanded practice dental hygienist holding a permit issued under ORS 680.200 for oral

11 health care.

12 “(2)(a) The Oregon Health Authority shall award grants to community health centers or safety

13 net clinics, including school-based health centers, to ensure the capacity of each grantee to provide

14 health care services to underserved or vulnerable populations.

15 “(b) The authority shall work with the Centers for Medicare and Medicaid Services and

16 stakeholders to identify additional sources of funding for school-based health center expenditures for

17 which federal financial participation is available under Title XIX or Title XXI of the Social Security

18 Act.

19 “(3) The authority shall provide outreach for the [*Health Care for All Oregon Children*] **Cover**

20 **All People** program, including development and administration of an application assistance program,

21 and including grants to provide funding to organizations and local groups for outreach and enroll-

22 ment activities for the program, within the limits of funds provided by the Legislative Assembly for

23 this purpose.

24 “(4) The authority shall, using funds allocated by the Legislative Assembly:

25 “(a) Provide funds for the expansion and continuation of school-based health centers that are

26 operating on July 29, 2013, and that become certified under ORS 413.223;

27 “(b) Direct funds to communities with certified school-based health centers and to communities

28 planning for certified school-based health centers; and

29 “(c) Create a pool of funds available to provide financial incentives to:

30 “(A) Increase the number of school-based health centers identified as patient centered primary

31 care homes without requiring school-based health centers to be identified as patient centered pri-

32 mary care homes;

33 “(B) Improve the coordination of the care of patients served by coordinated care organizations

34 and school-based health centers; and

35 “(C) Improve the effectiveness of the delivery of health services through school-based health

36 centers to children who qualify for medical assistance.

37 “(5) The authority shall by rule adopt criteria for awarding grants and providing funds in ac-

38 cordance with this section.

39 “(6) The authority shall analyze and evaluate the implementation of the [*Health Care for All*

40 *Oregon Children*] **Cover All People** program.

41 “**SECTION 5.** ORS 414.578 is amended to read:

42 “414.578. (1) A community health improvement plan adopted by a coordinated care organization

43 and its community advisory council in accordance with ORS 414.577 shall include a component for

44 addressing the health of children and youth in the areas served by the coordinated care organization

45 including, to the extent practicable, a strategy and a plan for:

1       “(a) Working with programs developed by the Early Learning Council, Early Learning Hubs, the  
2 Youth Development Council and the school health providers in the region; and

3       “(b) Coordinating the effective and efficient delivery of health care to children and adolescents  
4 in the community.

5       “(2) A community health improvement plan must be based on research, including research into  
6 adverse childhood experiences, and must identify funding sources and additional funding necessary  
7 to address the health needs of children and adolescents in the community and to meet the goals of  
8 the plan. The plan must also:

9       “(a) Evaluate the adequacy of the existing school-based health resources including school-based  
10 health centers and school nurses to meet the specific pediatric and adolescent health care needs in  
11 the community;

12       “(b) Make recommendations to improve the school-based health center and school nurse system,  
13 including the addition or improvement of electronic medical records and billing systems;

14       “(c) Take into consideration whether integration of school-based health centers with the larger  
15 health system or system of community clinics would further advance the goals of the plan;

16       “(d) Improve the integration of all services provided to meet the needs of children, adolescents  
17 and families;

18       “(e) Focus on primary care, behavioral health and oral health; and

19       “(f) Address promotion of health and prevention and early intervention in the treatment of  
20 children and adolescents.

21       “(3) A coordinated care organization shall involve in the development of its community health  
22 improvement plan, school-based health centers, school nurses, school mental health providers and  
23 individuals representing:

24       “(a) Programs developed by the Early Learning Council and Early Learning Hubs;

25       “(b) Programs developed by the Youth Development Council in the region;

26       “(c) The Healthy Start Family Support Services program in the region;

27       “(d) The [*Health Care for All Oregon Children*] **Cover All People** program and other medical  
28 assistance programs;

29       “(e) Relief nurseries in the region;

30       “(f) Community health centers;

31       “(g) Oral health care providers;

32       “(h) Community mental health providers;

33       “(i) Administrators of county health department programs that offer preventive health services  
34 to children;

35       “(j) Hospitals in the region; and

36       “(k) Other appropriate child and adolescent health program administrators.

37       “(4) The Oregon Health Authority may provide incentive grants to coordinated care organiza-  
38 tions for the purpose of contracting with individuals or organizations to help coordinate integration  
39 strategies identified in the community health improvement plan adopted by the community advisory  
40 council. The authority may also provide funds to coordinated care organizations to improve systems  
41 of services that will promote the implementation of the plan.

42       “(5) Each coordinated care organization shall report to the authority, in the form and manner  
43 prescribed by the authority, on the progress of the integration strategies and implementation of the  
44 plan for working with the programs developed by the Early Learning Council, Early Learning Hubs,  
45 the Youth Development Council and school health care providers in the region, as part of the de-

1 velopment and implementation of the community health improvement plan. The authority shall  
2 compile the information biennially and report the information to the Legislative Assembly by De-  
3 cember 31 of each even-numbered year.

4 **“SECTION 6. (1) The Oregon Health Authority, in collaboration with the Department of**  
5 **Consumer and Business Services if necessary, shall seek any federal approval or waivers of**  
6 **federal requirements necessary to maximize federal financial participation in the costs of**  
7 **providing medical assistance to adults in the Cover All People program established in ORS**  
8 **414.231.**

9 **“(2) Implementation of the amendments to ORS 414.231 by section 1 of this 2021 Act is**  
10 **not contingent upon federal approval or waivers described in subsection (1) of this section.**

11 **“SECTION 7. (1) The amendments to ORS 413.201 by section 2 of this 2021 Act become**  
12 **operative on November 1, 2021.**

13 **“(2) The amendments to ORS 192.556, 413.225, 414.231 and 414.578 by sections 1 and 3 to**  
14 **5 of this 2021 Act become operative on March 31, 2022.**

15 **“(3) The Oregon Health Authority shall take all steps prior to the operative dates speci-**  
16 **fied in this section that are necessary to carry out the amendments to:**

17 **“(a) ORS 413.201 by section 2 of this 2021 Act on and after November 1, 2021; and**

18 **“(b) ORS 192.556, 413.225, 414.231 and 414.578 by sections 1 and 3 to 5 of this 2021 Act on**  
19 **and after March 31, 2022.”.**

20 In line 10, delete “3” and insert “8”.

21