

**Enrolled**  
**House Bill 2397**

Sponsored by Representatives PRUSAK, GRAYBER; Representatives CAMPOS, DEXTER, LEIF, NOBLE, NOSSE, SANCHEZ, SMITH DB, WILLIAMS (Presession filed.)

CHAPTER .....

AN ACT

Relating to emergency medical services for residents in long term care settings; creating new provisions; and amending ORS 443.001.

**Be It Enacted by the People of the State of Oregon:**

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

- (a) “Long term care facility” has the meaning given that term in ORS 442.015.
- (b) “Residential care facility” has the meaning given that term in ORS 443.400.
- (c) “Senior emergency medical services” means services provided by an emergency medical services provider, as defined in ORS 682.025, to residents of a long term care facility or residential care facility.

(2)(a) The Senior Emergency Medical Services Innovation Program is established in the Department of Human Services. The purpose of the program is to select, provide funding to and monitor local public sector pilot projects that:

- (A) Provide innovative strategies for addressing the emergency medical services needs of this state’s increasing number of aging residents who receive care and services in residential care facilities and long term care facilities;
- (B) Encourage the efficient and appropriate use of senior emergency medical services;
- (C) Reduce the overall costs of senior emergency medical services while promoting quality emergency medical services; and
- (D) Encourage unique community-based responses to challenges faced by local communities in meeting their residents’ needs for senior emergency medical services.

(b) The department shall provide funding to a pilot project described in this subsection from moneys deposited in the Quality Care Fund established under ORS 443.001.

(3) The Senior Emergency Medical Services Advisory Council is established consisting of the following 10 members appointed by the Governor:

- (a) One member representing long term care facilities;
- (b) One member representing residential care facilities;
- (c) One member who is a nurse or clinician in a long term care facility or a residential care facility;
- (d) One member representing an urban or suburban fire department or a city fire department that provides emergency medical services;
- (e) One member representing a rural fire protection district organized under ORS chapter 478;

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

(g) One member who is a physician licensed under ORS chapter 677 or other health care practitioner with expertise in emergency medical services;

(h) One member representing the Oregon Health Authority who has expertise in emergency medical services and trauma response;

(i) One member representing private emergency medical services providers; and

(j) One member who is a:

(A) Family member of a resident of a long term care facility or residential care facility;

(B) Caregiver in a long term care facility or residential care facility; or

(C) Member or representative of a group that advocates for seniors residing in long term care facilities or residential care facilities.

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

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

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

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

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

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

(6) Official action by the council requires the approval of a majority of the members of the council.

(7) The council shall elect one of its members to serve as chairperson.

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

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

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

(11) The department shall submit a report, in the manner provided in ORS 192.245, on the pilot projects selected for the program, the success achieved by each pilot project in meeting the goals of the program described in subsection (2) of this section and any recommendations for legislative changes necessary to improve the emergency services provided throughout this state.

(12) The department shall submit the report described in subsection (11) of this section to the authority for consideration and review prior to submitting the report as described in subsection (11) of this section.

(13) The department shall provide staff support to the council.

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

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

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

(a) "Emergency medical services provider" has the meaning given that term in ORS 682.025.

(b) "Local government" has the meaning given that term in ORS 174.116.

(c) "Long term care facility" has the meaning given that term in ORS 442.015.

(d) "Residential care facility" has the meaning given that term in ORS 443.400.

(2) The governing body of a local government may not enact or enforce any charter provision, ordinance, resolution or other regulation that:

(a) Regulates the care or services and supports provided to a patient or resident of a long term care facility or residential care facility, that are subject to regulation by the Department of Human Services under state or federal law, or pursuant to rules adopted by the department; or

(b) Imposes fees or other requirements that apply exclusively to long term care facilities or residential care facilities and are not generally applicable to business entities operating within the jurisdiction of the local government.

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

(a) Local government authority provided by state law, including but not limited to a local public health authority; or

(b) Laws that impose a fine, fee, charge or sanction against long term care facilities or residential care facilities that contact an emergency medical services provider to provide lift assist services to a resident who has fallen and who the long term care facility or residential care facility knows, or reasonably should have known, does not require the services of an emergency medical services provider.

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

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

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

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

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

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

**(2) Administering the Senior Emergency Medical Services Innovation Program established in section 1 of this 2021 Act.**

**SECTION 4.** ORS 443.001, as amended by section 3 of this 2021 Act, is amended to read:

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

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

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

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

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

[(2) Administering the Senior Emergency Medical Services Innovation Program established in section 1 of this 2021 Act].

**SECTION 5. The amendments to ORS 443.001 by section 4 of this 2021 Act become operative on January 2, 2027.**

**SECTION 6. Sections 1 and 2 of this 2021 Act are repealed on January 2, 2027.**

**Passed by House June 24, 2021**

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Timothy G. Sekerak, Chief Clerk of House

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Tina Kotek, Speaker of House

**Passed by Senate June 26, 2021**

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Peter Courtney, President of Senate

**Received by Governor:**

.....M.,....., 2021

**Approved:**

.....M.,....., 2021

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Kate Brown, Governor

**Filed in Office of Secretary of State:**

.....M.,....., 2021

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Shemia Fagan, Secretary of State