



**TO:** The Senate Judiciary Committee  
**FROM:** Disability Rights Oregon (DRO)  
**DATE:** March 8, 2021  
**RE:** DRO 's Testimony in Support of SB 567

Dear Chair, Vice Chairs, and Members of the Committee:

## The Facts about SB 567

**This bill is not creating new law, it is clarifying it.**

Section 1557 is a civil rights provision in the ACA that prohibits discrimination on the basis of race, color, national origin, sex, age, or disability in certain health programs or activities. In Section 1557, Congress prohibited covered health programs or activities from discriminating on any of the grounds protected by four longstanding federal civil rights statutes:

1. Title VI of the Civil Rights Act of 1964 (Title VI) (prohibiting discrimination on the basis of race, color, or national origin).
2. Title IX of the Education Amendments of 1972 (Title IX) (prohibiting discrimination on the basis of sex).
3. Section 504 of the Rehabilitation Act of 1973 (Section 504) (prohibiting discrimination on the basis of disability).
4. Age Discrimination Act of 1975 (Age Act) (prohibiting discrimination on the basis of age).

Section 1557 has been in effect since its enactment in 2010 and the HHS Office for Civil Rights has been enforcing the provision since it was enacted.

### **Why is this language being placed in ORS 659A?**

ORS 659A is titled "*Unlawful discrimination in employment, public accommodations and real property transactions; Administrative and Civil Enforcement*". This is the chapter of Oregon statute that explicitly prohibits discrimination because of race, color, religion, sex, sexual orientation, national origin, marital status, age, disability or expunged juvenile record. SB 567 is clarifying that when speaking about discrimination in public accommodation, health care providers are explicitly included in this section of law.

### **Why would we have BOLI in charge of the complaint process?**

Because they already are in charge of complaints of discrimination in public accommodations. This is not new to SB 567. People may remember the fines BOLI gave to a bakery that refused to back a cake for a lesbian couple. Medical discrimination would fall under this same enforcement mechanism today. In ORS 659A.885 section 1a states:

If the Commissioner of the Bureau of Labor and Industries files a complaint under ORS 659A.825 (complaints filed by Attorney General or commissioner) alleging an unlawful

practice other than an unlawful employment practice, and the commissioner finds that the respondent engaged in the unlawful practice, the commissioner may, in addition to other steps taken to eliminate the unlawful practice, impose a civil penalty upon each respondent found to have committed the unlawful practice.

**This bill will not force anyone to have medical care they do not wish to have.**

SB 567 only prohibits providers from refusing treatment that is likely to be of benefit to an individual. A patient regardless of protected status can always refuse care. This bill does not address the rights of patients, but rather the obligations of providers.

**Provider will be forced to give care that is not beneficial to patients.**

SB 567 clearly states it would be unlawful to deny medical treatment to the patient that is **likely to benefit the patient** based on an individualized assessment of the patient using objective medical evidence. Denying care because that care is not likely to benefit a patient is clearly allowable.

**There is no evidence this bill will increase health care cost.**

Those who oppose this bill have provided no evidence that this law will increase health care cost. In fact, current law already prohibits health care providers from discriminating against people in protected classes so what are they saying will increase cost if they are already prohibited from discriminating?

**We need this bill in order to save lives.**

It is clear through the testimony provided to the legislature on this bill that discrimination in health care is a very real and deadly problem. Bias in medical care is well documented and costs people their lives. Yet providers in Oregon seem unaware of the laws regarding medical treatment and discrimination based on one protected class. This law is to make it crystal clear what their legal obligations are. We need legislation that will allow for an individual or their representative to get timely resolution to health care discrimination before it is too late. This language will give the courts clear language in order to make quick decisions. Discrimination in health care is real and persistent. Covid-19 has only highlighted an already serious problem. We must do all we can to prevent bias from denying people the care they desperately need.

**About Disability Rights Oregon**

Disability Rights Oregon is a statewide nonprofit law firm that upholds the civil rights of 950,000 people with disabilities in Oregon to live, work, and engage in the community. Disability Rights Oregon works to transform systems, policies, and practices to give more people the opportunity to reach their full potential. Since 1977, the organization has served as Oregon's federally authorized and mandated Protection & Advocacy System. Disability Rights Oregon is committed to ensuring the civil rights of all people are protected and enforced.

**For any concerns or questions contact Meghan Moyer at 503-432-5777.**