

Requested by SENATE COMMITTEE ON HEALTH CARE

**PROPOSED AMENDMENTS TO
SENATE BILL 1529**

1 On page 1 of the printed bill, line 2, after “care;” delete the rest of the
2 line and insert “creating new provisions; amending ORS 401.651, 401.654,
3 401.655, 401.661, 401.667 and 431A.015 and section 5, chapter 526, Oregon Laws
4 2019; and declaring an emergency.”.

5 Delete lines 4 through 30 and delete pages 2 and 3 and insert:
6

7 **“HEALTH CARE EMERGENCIES**

8
9 **“SECTION 1.** ORS 401.651 is amended to read:

10 “401.651. As used in ORS 401.651 to 401.670:

11 **“(1) ‘Health care emergency’ means:**

12 **“(a) A state of emergency declared under ORS 401.165;**

13 **“(b) A state of public health emergency declared under ORS 433.441;**

14 **or**

15 **“(c) A determination by the Public Health Director that there exists**
16 **a disease outbreak, epidemic or other condition of public health im-**
17 **portance statewide or in a specified geographic area of this state.**

18 “[1] **(2) ‘Health care facility’** means a health care facility as defined in
19 ORS 442.015 that has been licensed under ORS chapter 441.

20 “[2] **(3) ‘Health care provider’** means:

21 **“(a) An individual licensed, certified or otherwise authorized or permitted**

1 by the laws of this state or another state to administer health care services
2 in the ordinary course of business or practice of a profession; and

3 “(b) A person entered in the emergency health care provider registry un-
4 der ORS 401.658.

5 “[3] (4) ‘Health professional regulatory board’ means a health profes-
6 sional regulatory board, as defined in ORS 676.160, the Long Term Care Ad-
7 ministrators Board, the Board of Licensed Dietitians and the Behavior
8 Analysis Regulatory Board.

9 **“SECTION 2.** ORS 401.654, as operative until July 1, 2022, is amended to
10 read:

11 “401.654. (1) The Oregon Health Authority may establish an emergency
12 health care provider registry that includes emergency health care providers
13 who are available to provide health care services during [*an emergency or*
14 *crisis*] **a health care emergency**. As a condition of inclusion in the regis-
15 try, the authority may require:

16 “(a) Training related to the provision of health care services in [*an*
17 *emergency or crisis*] **a health care emergency** as a condition of registration;
18 and

19 “(b) Criminal background checks for applicants and persons who have
20 been registered.

21 “(2) The authority shall issue identification cards to health care providers
22 entered in the emergency health care provider registry established under this
23 section that:

24 “(a) Identify the health care provider;

25 “(b) Indicate that the health care provider is registered as an Oregon
26 emergency health care provider;

27 “(c) Identify the license or certification held by the health care provider,
28 or previously held by the health care provider if the health care provider is
29 entered in the emergency health care provider registry under ORS 401.658;
30 and

1 “(d) Identify the health care provider’s usual area of practice, and the
2 types of health care that the health care provider is authorized to provide,
3 if that information is available and the authority determines that it is ap-
4 propriate to provide that information.

5 “(3) The authority by rule shall establish a form for identification cards
6 issued under subsection (2) of this section.

7 “(4) The authority shall support and provide assistance to the Office of
8 Emergency Management in emergencies or crises involving the public health
9 or requiring emergency medical response.

10 “(5) The authority may enter into agreements with other states to facili-
11 tate the registry of out-of-state health care providers in the emergency health
12 care provider registry established under this section.

13 **“SECTION 3.** ORS 401.654 is amended to read:

14 “401.654. (1) The Oregon Health Authority may establish an emergency
15 health care provider registry that includes emergency health care providers
16 who are available to provide health care services during [*an*] **a health care**
17 emergency [*or crisis*]. As a condition of inclusion in the registry, the au-
18 thority may require:

19 “(a) Training related to the provision of health care services in [*an*
20 emergency or crisis] **a health care emergency** as a condition of registration;
21 and

22 “(b) Criminal background checks for applicants and persons who have
23 been registered.

24 “(2) The authority shall issue identification cards to health care providers
25 entered in the emergency health care provider registry established under this
26 section that:

27 “(a) Identify the health care provider;

28 “(b) Indicate that the health care provider is registered as an Oregon
29 emergency health care provider;

30 “(c) Identify the license or certification held by the health care provider,

1 or previously held by the health care provider if the health care provider is
2 entered in the emergency health care provider registry under ORS 401.658;
3 and

4 “(d) Identify the health care provider’s usual area of practice, and the
5 types of health care that the health care provider is authorized to provide,
6 if that information is available and the authority determines that it is ap-
7 propriate to provide that information.

8 “(3) The authority by rule shall establish a form for identification cards
9 issued under subsection (2) of this section.

10 “(4) The authority shall support and provide assistance to the Oregon
11 Department of Emergency Management in emergencies or crises involving
12 the public health or requiring emergency medical response.

13 “(5) The authority may enter into agreements with other states to facili-
14 tate the registry of out-of-state health care providers in the emergency health
15 care provider registry established under this section.

16 “**SECTION 4.** ORS 401.655, as operative until July 1, 2022, is amended to
17 read:

18 “401.655. [*During a state of emergency declared under ORS 401.165 or a*
19 *state of public health emergency proclaimed under ORS 433.441,*] **During a**
20 **health care emergency**, a health care provider who is licensed, certified
21 or otherwise authorized or permitted by the laws of another state to admin-
22 ister health care services and who is registered under ORS 401.654 may ad-
23 minister health care services in this state as if the health care provider were
24 licensed in this state.

25 “**SECTION 5.** ORS 401.655 is amended to read:

26 “401.655. [*During a state of emergency declared under ORS 401.165 or a*
27 *state of public health emergency declared under ORS 433.441,*] **During a**
28 **health care emergency**, a health care provider who is licensed, certified
29 or otherwise authorized or permitted by the laws of another state to admin-
30 ister health care services and who is registered under ORS 401.654 may ad-

1 minister health care services in this state as if the health care provider were
2 licensed in this state.

3 **“SECTION 6.** ORS 401.661, as operative until July 1, 2022, is amended to
4 read:

5 “401.661. *[If the Governor declares a state of emergency under ORS 401.165*
6 *or proclaims a state of public health emergency under ORS 433.441:]*

7 **“During a health care emergency:**

8 “(1) The Oregon Health Authority, in conjunction with the Department
9 of Human Services for facilities licensed by the department, may direct
10 emergency health care providers registered under ORS 401.654 who are will-
11 ing to provide health care services to proceed to any place in this state
12 where health care services are required by reason of the **health care** emer-
13 gency *[or crisis;]*.

14 “(2) Pursuant to the Emergency Management Assistance Compact and the
15 Pacific Northwest Emergency Management Arrangement, the Oregon Health
16 Authority may direct emergency health care providers registered under ORS
17 401.654 who are willing to provide health care services in another state to
18 proceed to another state where emergency health care services are required
19 by reason of an emergency in that state¹*;* *and*²*].*

20 “(3) Any emergency health care provider registered under ORS 401.654 or
21 other health care provider may volunteer to perform health care services
22 described in ORS 401.657 at any emergency health care center or health care
23 facility in the manner provided by ORS 401.664.

24 **“SECTION 7.** ORS 401.661 is amended to read:

25 “401.661. *[If the Governor declares a state of emergency under ORS 401.165*
26 *or declares a state of public health emergency under ORS 433.441:]*

27 **“During a health care emergency:**

28 “(1) The Oregon Health Authority, in conjunction with the Department
29 of Human Services for facilities licensed by the department, may direct
30 emergency health care providers registered under ORS 401.654 who are will-

1 ing to provide health care services to proceed to any place in this state
2 where health care services are required by reason of the **health care** emer-
3 gency [*or crisis*];

4 “(2) Pursuant to the Emergency Management Assistance Compact and the
5 Pacific Northwest Emergency Management Arrangement, the Oregon Health
6 Authority may direct emergency health care providers registered under ORS
7 401.654 who are willing to provide health care services in another state to
8 proceed to another state where emergency health care services are required
9 by reason of an emergency in that state[; *and*].

10 “(3) Any emergency health care provider registered under ORS 401.654 or
11 other health care provider may volunteer to perform health care services
12 described in ORS 401.657 at any emergency health care center or health care
13 facility in the manner provided by ORS 401.664.

14 **“SECTION 8.** ORS 401.667, as operative until July 1, 2022, is amended to
15 read:

16 “401.667. (1) [*If the Governor declares a state of emergency under ORS*
17 *401.165, or proclaims a state of public health emergency under ORS 433.441,*]
18 **During a health care emergency,** emergency health care providers regis-
19 tered under ORS 401.654 and other health care providers who volunteer to
20 perform health care services under ORS 401.651 to 401.670 are agents of the
21 state under ORS 30.260 to 30.300 for the purposes of any claims arising out
22 of services that are provided under ORS 401.651 to 401.670 pursuant to di-
23 rections from a public body and that are within the course and scope of the
24 health care provider’s duties, without regard to whether the health care
25 provider is compensated for the services.

26 “(2) [*If the Governor declares a state of emergency under ORS 401.165, or*
27 *proclaims a state of public health emergency under ORS 433.441,*] **During a**
28 **health care emergency,** health care facilities designated under ORS 401.657
29 and other persons operating emergency health care centers designated under
30 ORS 401.657 are agents of the state under ORS 30.260 to 30.300 for the pur-

1 poses of any claims arising out of services that are provided through those
2 centers or facilities under ORS 401.651 to 401.670 pursuant to directions from
3 a public body and that are within the course and scope of the duties of the
4 health care facility or other person, without regard to whether the health
5 care facility or other person is compensated for the services.

6 “(3) An emergency health care provider registered under ORS 401.654
7 participating in training authorized by the Oregon Health Authority under
8 ORS 401.651 to 401.670 is an agent of the state under ORS 30.260 to 30.300
9 for the purposes of any claims arising out of that training.

10 “(4) The provisions of subsection (2) of this section apply only to emer-
11 gency health care centers or health care facilities that have adopted emer-
12 gency operations plans and credentialing plans that govern the use of
13 emergency health care providers registered under ORS 401.654 and other
14 health care providers who volunteer to perform health care services under
15 ORS 401.651 to 401.670. An emergency operations plan and a credentialing
16 plan must comply with rules governing those plans adopted by the authority.

17 **“SECTION 9.** ORS 401.667 is amended to read:

18 “401.667. (1) *[If the Governor declares a state of emergency under ORS*
19 *401.165, or declares a state of public health emergency under ORS 433.441]*
20 **During a health care emergency,** emergency health care providers regis-
21 tered under ORS 401.654 and other health care providers who volunteer to
22 perform health care services under ORS 401.651 to 401.670 are agents of the
23 state under ORS 30.260 to 30.300 for the purposes of any claims arising out
24 of services that are provided under ORS 401.651 to 401.670 pursuant to di-
25 rections from a public body and that are within the course and scope of the
26 health care provider’s duties, without regard to whether the health care
27 provider is compensated for the services.

28 “(2) *[If the Governor declares a state of emergency under ORS 401.165, or*
29 *declares a state of public health emergency under ORS 433.441]* **During a**
30 **health care emergency,** health care facilities designated under ORS 401.657

1 and other persons operating emergency health care centers designated under
2 ORS 401.657 are agents of the state under ORS 30.260 to 30.300 for the pur-
3 poses of any claims arising out of services that are provided through those
4 centers or facilities under ORS 401.651 to 401.670 pursuant to directions from
5 a public body and that are within the course and scope of the duties of the
6 health care facility or other person, without regard to whether the health
7 care facility or other person is compensated for the services.

8 “(3) An emergency health care provider registered under ORS 401.654
9 participating in training authorized by the Oregon Health Authority under
10 ORS 401.651 to 401.670 is an agent of the state under ORS 30.260 to 30.300
11 for the purposes of any claims arising out of that training.

12 “(4) The provisions of subsection (2) of this section apply only to emer-
13 gency health care centers or health care facilities that have adopted emer-
14 gency operations plans and credentialing plans that govern the use of
15 emergency health care providers registered under ORS 401.654 and other
16 health care providers who volunteer to perform health care services under
17 ORS 401.651 to 401.670. An emergency operations plan and a credentialing
18 plan must comply with rules governing those plans adopted by the authority.

19 **“SECTION 10.** ORS 431A.015 is amended to read:

20 “431A.015. (1) Unless the Governor has declared a public health emer-
21 gency under ORS 433.441, the Public Health Director may, upon approval of
22 the Governor or the designee of the Governor, take the public health actions
23 described in subsection (2) of this section if the Public Health Director de-
24 termines that:

25 “(a)(A) A communicable disease, reportable disease, disease outbreak, ep-
26 idemic or other condition of public health importance has affected more than
27 one county;

28 “(B) There is an immediate need for a consistent response from the state
29 in order to adequately protect the public health;

30 “(C) The resources of the local public health authority or authorities are

1 likely to be quickly overwhelmed or unable to effectively manage the re-
2 quired response; and

3 “(D) There is a significant risk to the public health; or

4 “(b) A communicable disease, reportable disease, disease outbreak, epi-
5 demic or other condition of public health importance is reported in Oregon
6 and is an issue of significant regional or national concern or is an issue for
7 which there is significant involvement from federal authorities requiring
8 state-federal coordination.

9 “(2) The Public Health Director, after making the determinations required
10 under subsection (1) of this section, may take the following public health
11 actions:

12 “(a) Coordinate the public health response across jurisdictions.

13 “(b) Prescribe measures for the:

14 “(A) Identification, assessment and control of the communicable disease
15 or reportable disease, disease outbreak, epidemic or other condition of public
16 health importance; and

17 “(B) Allocation and distribution of antitoxins, serums, vaccines,
18 immunizing agents, antibiotics, antidotes and other pharmaceutical agents,
19 medical supplies or personal protective equipment.

20 “(c) After consultation with appropriate medical experts, create and re-
21 quire the use of diagnostic and treatment guidelines and provide notice of
22 those guidelines to health care providers, institutions and facilities.

23 “(d) Require a person to obtain treatment and use appropriate
24 prophylactic measures to prevent the introduction or spread of a
25 communicable disease or reportable disease, unless:

26 “(A) The person has a medical diagnosis for which a vaccination is
27 contraindicated; or

28 “(B) The person has a religious or conscientious objection to the required
29 treatments or prophylactic measures.

30 “(e) Notwithstanding ORS 332.075, direct a district school board to close

1 a children’s facility or school under the jurisdiction of the board. The au-
2 thority granted to the Public Health Director under this paragraph super-
3 sedes the authority granted to the district school board under ORS 332.075
4 to the extent the authority granted to the board is inconsistent with the
5 authority granted to the director.

6 “(f) Issue guidelines for private businesses regarding appropriate work
7 restrictions.

8 “(g) Organize public information activities regarding the public health
9 response to circumstances described in subsection (1) of this section.

10 “(h) Adopt reporting requirements for, and provide notice of those re-
11 porting requirements to, health care providers, institutions and facilities for
12 the purpose of obtaining information directly related to the public health
13 threat presented.

14 “(i) Take control of antitoxins, serums, vaccines, immunizing agents, an-
15 tibiotics, antidotes and other pharmaceutical agents, medical supplies or
16 personal protective equipment.

17 “**(j) Direct and deploy emergency health care providers under ORS**
18 **401.661.**

19 “(3) The authority granted to the Public Health Director under this sec-
20 tion is not intended to override the general authority provided to a local
21 public health authority except as already permitted by law, or under the
22 circumstances described in subsection (1) of this section.

23 “(4) If the Oregon Health Authority adopts temporary rules to implement
24 subsection (2) of this section, the rules adopted are not subject to the pro-
25 visions of ORS 183.335 (6)(a). The authority may amend the temporary rules
26 adopted under this subsection as often as is necessary to respond to the
27 public health threat.

28 “(5) If it is necessary for the authority to purchase antitoxins, serums,
29 vaccines, immunizing agents, antibiotics, antidotes or other pharmaceutical
30 agents, medical supplies or personal protective equipment, the purchases are

1 not subject to the provisions of ORS chapter 279A, 279B or 279C.

2 “(6) If property is taken under the authority granted to the Public Health
3 Director under subsection (2) of this section, the owner of the property is
4 entitled to reasonable compensation from the state.

5 **“SECTION 11. Section 12 of this 2022 Act is added to and made a
6 part of ORS chapter 656.**

7 **“SECTION 12. (1) The Oregon Health Authority shall provide
8 workers’ compensation coverage for volunteer emergency health care
9 providers registered under ORS 401.654 who are injured in the course
10 and scope of performing emergency health care services if the injury
11 occurs:**

12 **“(a) While the volunteer is performing health care services at the
13 direction of the authority under ORS 401.661; or**

14 **“(b) While the volunteer is engaged in training being conducted or
15 approved by the authority for the purpose of preparing the volunteer
16 to perform emergency health care services.**

17 **“(2) Workers’ compensation coverage shall be provided under this
18 section in the manner provided by ORS 656.039.**

19

20 **“PHARMACY BENEFIT MANAGERS**

21

22 **“SECTION 13.** Section 5, chapter 526, Oregon Laws 2019, is amended to
23 read:

24 **“Sec. 5.** *[Section 2 of this 2019 Act]* **ORS 735.536** and the amendments to
25 ORS 735.530 and 735.534 by sections 3 and 4, *[of this 2019 Act]* **chapter 526,**
26 **Oregon Laws 2019,** apply to pharmacy benefits and to contracts between
27 pharmacies or pharmacists and pharmacy benefit managers:

28 **“(1) Entered into, renewed or extended on or after January 1, 2021.**

29 **“(2) Automatically renewed on or after January 1, 2023.**

30

