



February 9, 2022

Rachel Prusak, Chair
Cedric Hayden, Vice-Chair
Andrea Salinas, Vice-Chair
House Committee on Health Care
Oregon Legislature
900 Court St. NE
Salem, Oregon 97301

RE: Disability Rights Oregon Testimony on HB 4096

Dear Chair Prusak, Vice-Chair Hayden, and Vice-Chair Salinas:

Disability Rights Oregon submits this testimony on HB 4096. Disability Rights Oregon is the federally-designated Protection and Advocacy organization for the state of Oregon. Our mission is to protect the rights of people with disabilities, including the right of people with disabilities to obtain health care.

HB 4096 seeks to address the challenges associated with volunteer health professionals coming from out of state to offer health care on a short-term basis, when those volunteers do not have an in-state licensure to provide health care. Trying to provide health care to those who otherwise would not receive it is a laudable goal.

I am not sure that the current format of HB 4096 is the best way to pursue this goal. The proposal leaves uncertain what recourse, if any, Oregon or out-of-state regulatory boards would have in the event of malpractice in Oregon. The proposal also appears to authorize some health care professionals (such as nurses and dental hygienists) to practice without associating with a physician, nurse practitioner, or dentist. Virtually all states, including Oregon, limit the scope of practice of certain practitioners in a way that would typically require association with a "licensed independent practitioner," such as a physician, nurse practitioner, or dentist. *See OAR 851-045-0040(5)*. The proposal also does not limit what kind of organization could bring in an out-of-state practitioner, nor limit for what purposes they may be brought to Oregon.

The committee should consider amendments to the current version of HB 4096 that would allow out-of-state practitioners to associate themselves with an Oregon-based physician, nurse-practitioner, or dentist in order to provide brief in-state health care services. The Oregon-based provider could ensure that the out-of-state providers are practicing in a manner consistent with local rules. The Oregon-based provider, using their knowledge of local resources, could assist the out-of-state volunteers by ensuring appropriate referrals for their patients. This amendment would

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Disability Rights Oregon is the Protection and Advocacy System for Oregon

increase accountability and response to local needs, while preventing inappropriately unsupervised practice.

I would happily work with the committee to address alternate language for the bill to achieve these ends. I am happy to discuss these matters by telephone at 503-243-2081 x223 or by email at tstenson@droregon.org.

Sincerely,

A handwritten signature in black ink that reads "Thomas Stenson". The signature is written in a cursive style with a large, stylized "T" and "S".

Thomas Stenson
Deputy Legal Director
Disability Rights Oregon