

HB 4010 -2, -3, -4, -5 STAFF MEASURE SUMMARY
House Committee On Behavioral Health and Health Care

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Meeting Dates: 2/6, 2/12

WHAT THE MEASURE DOES:

The measure makes policy changes regarding drugs, Oregon State Hospital Staffing, and insurance coverage of health care interpretation services. It clarifies the definition of “primary care provider,” removes the requirement that counselors and therapists submit professional disclosure statements for approval, amends qualifications for the rural medical provider tax credit for optometrists. The measure changes the title of “physician assistant” to physician associate.

Detailed Summary:

- **Drugs (Sections 1 – 3)**
 - Specifies that addition of flavoring to a drug intended for dispensation may not be considered compounding under specified circumstances
 - Prohibits drug manufacturers from denying or restricting access by contract pharmacy to prescription drugs dispensing by contract pharmacy on behalf of covered entity
- **Hospital Staffing (Sections 4 – 5)**
 - Exempts Oregon State Hospital from professional and technical and service staff requirements of [House Bill 2697](#) (2023)
- **Health Insurance (Sections 6 – 7)**
 - Requires health insurers to negotiate in good faith and in best interest of insured when arranging health care interpretation services
- **Health Care Providers (Sections 8 – 9)**
 - Clarifies definition of “primary care provider” to include clinics and provider teams for purposes of assignment by insurance carrier
- **Professional Disclosure Statement (Sections 10 – 11)**
 - Removes requirement that applicants and licensees of Oregon Board of Licensed Professional Counselors and Therapists submit professional disclosure statement to Board for approval
- **Tax Credit (Section 12 – 13)**
 - Eliminates requirement that optometrist have hospital consulting privileges in order to be eligible for rural medical provider tax credit
- **Protected Health Information (Section 14)**
 - Clarifies type of acknowledgement required on protection health information (PHI) release form
- **Physician Assistants(Sections 15 – 172)**
 - Changes title “physician assistant” to “physician associate.”

Takes effect on 91st day following adjournment sine die.

ISSUES DISCUSSED:

- Importance of 340B program
- Value of tax incentive in recruiting providers to rural areas
- Ambiguity in coverage of health care interpretation services

EFFECT OF AMENDMENT:

-2 Clarifies that health care facility is not manufacturer, distributor, seller, or lessor of product for product liability purposes.

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-3 Clarifies prohibitions against drug manufacturers denying or restricting access to 340B drugs by pharmacy or drug outlet contracted with covered entity (**Section 3**).

-4 Removes provisions requiring good faith negotiation in the arrangement of health care interpreter services between providers and health insurers (**Sections 6 - 7**).

-5 Removes provisions prohibiting drug manufacturers from denying or restricting access by contract pharmacy to prescription drugs dispensing by contract pharmacy on behalf of covered entity.

BACKGROUND:

In 2015, the Legislative Assembly passed Senate Bill 469 updating Oregon's nurse staffing laws, including requiring hospitals to establish hospital nurse staffing committees to develop and approve hospital nurse staffing plans. The measure provided factors for hospital nurse staffing committees to consider when developing nurse staffing plans and required the Oregon Health Authority (OHA) to audit hospitals to determine compliance with staffing plan requirement. In 2023, the Legislative Assembly built off these standards by applying similar expectation for professional and technical and service staff.

In 2021, the Legislative Assembly passed two measures designed to assist people with limited English proficiency to have interpretive services provided in health care settings. House Bill 2359 requires health care providers to work with health care interpreters from the interpreter registry operated by the Oregon Health Authority. House Bill 2508 requires health insurers to ensure access to interpreter services for telemedicine visits with people with limited English proficiency.

Physician assistants, or PAs, are licensed clinicians who work as a part of a health care team. In recent years, Oregon has moved from a model that required supervision by a physician to a model that instead requires collaboration agreements. In May 2021, the American Academy of Physician Assistants (AAPA) passed a resolution affirming "physician associate" as the official title of the PA profession.