

HB 4010 A STAFF MEASURE SUMMARY**Carrier:** Rep. Nosse**House Committee On Behavioral Health and Health Care****Action Date:** 02/19/24**Action:** Do pass with amendments. (Printed A-Eng.)**Vote:** 6-5-0-0**Yeas:** 6 - Bowman, Dexter, Nelson, Nosse, Pham H, Tran**Nays:** 5 - Conrad, Diehl, Goodwin, Javadi, Yunker**Fiscal:** Has minimal fiscal impact**Revenue:** No revenue impact**Prepared By:** Brian Nieubuurt, LPRO Analyst**Meeting Dates:** 2/6, 2/19**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, and 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**
 - Specifies that the addition of flavoring to a drug intended for dispensation may not be considered compounding under specified circumstances.
- **Hospital Staffing**
 - Exempts Oregon State Hospital from professional and technical and service staff requirements of [House Bill 2697](#) (2023).
- **Health Care Providers**
 - Clarifies the definition of “primary care provider” to include clinics and provider teams for purposes of assignment by insurance carrier.
- **Professional Disclosure Statement**
 - Removes the requirement that applicants and licensees of Oregon Board of Licensed Professional Counselors and Therapists submit professional disclosure statement to the Board for approval.
- **Protected Health Information**
 - Clarifies the type of acknowledgement required on protection health information (PHI) release form.
- **Physician Assistants**
 - Changes the 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:

Removes the prohibitions on drug manufacturers denying or restricting access by a contract pharmacy to prescription drugs dispensing by a contract pharmacy on behalf of covered entity. Removes provisions requiring good faith negotiation in the arrangement of health care interpreter services between providers and health insurers. Reinstates the requirement that optometrists have hospital consulting privileges in order to qualify for

HB 4010 A STAFF MEASURE SUMMARY

rural medical tax credit.

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 the staffing plan requirement. In 2023, the Legislative Assembly built off these standards by applying similar expectation for professional and technical and service staff.

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.