

House Bill 2794

Sponsored by Representative NELSON (Pre-session filed.)

SUMMARY

The following summary is not prepared by the sponsors of the measure and is not a part of the body thereof subject to consideration by the Legislative Assembly. It is an editor's brief statement of the essential features of the measure **as introduced**. The statement includes a measure digest written in compliance with applicable readability standards.

Digest: Tells a health care facility to make a process that a staff member may use to complain if the staff member believes in good faith supply or equipment is not safe. (Flesch Readability Score: 60.7).

Directs a health care facility to establish and maintain procedures that a staff member may use to submit to the health care facility a complaint regarding a medical supply or equipment that the staff member believes in good faith is faulty or dangerous.

Requires the health care facility to retain a complaint and associated information for 10 years, inform a person if the health care facility uses, has used or stops using a medical supply or equipment that is subject to a complaint and establish and maintain procedures that a person may use to obtain a copy of a complaint and associated information.

A BILL FOR AN ACT

1
2 Relating to the provision of care by health care facilities.

3 **Be It Enacted by the People of the State of Oregon:**

4 **SECTION 1. (1) As used in this section:**

5 (a) **"Associated information" means information gathered in the investigation of or in**
6 **response to a complaint submitted by a staff person regarding a medical supply or equipment**
7 **that a health care facility uses in the provision of care.**

8 (b) **"Health care facility" has the meaning given that term in ORS 441.015.**

9 (c) **"Staff person" means an individual employee or contracted worker who works at or**
10 **for a health care facility.**

11 (2) **A health care facility shall:**

12 (a) **Establish and maintain procedures that a staff person may use to submit to the**
13 **health care facility a complaint regarding a medical supply or equipment that the health care**
14 **facility uses in the provision of care if the staff person believes in good faith that the medical**
15 **supply or equipment is faulty or dangerous;**

16 (b) **Retain a copy of a complaint submitted under this section and associated information**
17 **for a period of 10 years from the date a complaint is submitted to the health care facility;**

18 (c) **Inform a person if the health care facility uses or, within the last 10 years, has used**
19 **in the provision of care for the person a medical supply or equipment that is subject to a**
20 **complaint retained under this section;**

21 (d) **Inform a person that the health care facility no longer uses a medical supply or**
22 **equipment if:**

23 (A) **Within the last 10 years, the health care facility has used the medical supply or**
24 **equipment in the provision of care for the person;**

25 (B) **The health care facility stops using the medical supply or equipment; and**

26 (C) **The medical supply or equipment is subject to a complaint retained under this sec-**

NOTE: Matter in **boldfaced** type in an amended section is new; matter *[italic and bracketed]* is existing law to be omitted. New sections are in **boldfaced** type.

1 **tion; and**

2 **(e) Establish and maintain procedures that a person may use to request and obtain a**
3 **copy of a complaint and associated information retained under this section regarding a**
4 **medical supply or equipment that the health care facility uses or, within the last 10 years,**
5 **has used in the provision of care for the person.**

6 **(3)(a) The Oregon Health Authority shall adopt rules for health care facilities, except long**
7 **term care facilities, to carry out the provisions of this section.**

8 **(b) The Department of Human Services shall adopt rules for long term care facilities to**
9 **carry out the provisions of this section.**

10 **(c) Rules adopted under this subsection must:**

11 **(A) Provide for uniform standards and procedures; and**

12 **(B) Protect against disclosure of protected health information and other information**
13 **subject to state or federal laws limiting the disclosure of health information.**

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