

House Bill 2989

Sponsored by Representative NELSON; Representative CHOTZEN (Presession 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: The Act directs OHA to pay, in some cases, for a person's medical care out of the LEMLA if the person was injured by a peace officer. (Flesch Readability Score: 60.3).

Requires the Oregon Health Authority to pay out of the Law Enforcement Medical Liability Account any copayment or other cost-sharing amounts owed by an individual for the cost of medical services, or the entire cost of the medical services if an individual is a medical assistance recipient or uninsured, for injuries related to law enforcement activity. Authorizes the authority to make the final determination of whether injuries are injuries related to law enforcement activity. Directs the authority to conduct outreach about the availability of funding and the process for submitting claims for reimbursement.

A BILL FOR AN ACT

1
2 Relating to the Law Enforcement Medical Liability Account; creating new provisions; and amending
3 ORS 414.805 and 414.807.

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

5 **SECTION 1.** ORS 414.805 is amended to read:

6 414.805. (1) An individual who receives medical services while in the custody of a law enforce-
7 ment officer is liable:

8 (a) To the provider of the medical services for the charges and expenses therefor; and

9 (b) To the Oregon Health Authority for any charges or expenses paid by the authority out of
10 the Law Enforcement Medical Liability Account for the medical services.

11 (2) A person providing medical services to an individual described in subsection (1) of this sec-
12 tion shall first make reasonable efforts to collect the charges and expenses thereof from the indi-
13 vidual before seeking to collect them from the authority out of the Law Enforcement Medical
14 Liability Account.

15 (3)(a) If the provider has not been paid within 45 days of the date of the billing, the provider
16 may bill the authority who shall pay the account out of the Law Enforcement Medical Liability
17 Account.

18 (b) A bill submitted to the authority under this subsection must be accompanied by evidence
19 documenting that:

20 (A) The provider has billed the individual or the individual's insurer or health care service
21 contractor for the charges or expenses owed to the provider; and

22 (B) The provider has made a reasonable effort to collect from the individual or the individual's
23 insurer or health care service contractor the charges and expenses owed to the provider.

24 (c) If the provider receives payment from the individual or the insurer or health care service
25 contractor after receiving payment from the authority, the provider shall repay the authority the
26 amount received from the public agency less any difference between payment received from the in-
27 dividual, insurer or contractor and the amount of the billing.

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.

(4) As used in this section:

(a) “Law enforcement officer” means:

(A) An officer who is commissioned and employed by a public agency as a peace officer to enforce the criminal laws of this state or laws or ordinances of a public agency; or

(B) An authorized tribal police officer as defined in ORS 181A.940.

(b) “Public agency” means the state, **the federal government**, a city, university that has established a police department under ORS 352.121 or 353.125, port, school district, mass transit district or county.

SECTION 2. ORS 414.807 is amended to read:

414.807. (1)(a) When charges and expenses are incurred for medical services provided to an individual for injuries related to law enforcement activity and subject to the availability of funds in the account, *[the cost of such services shall be paid by the Oregon Health Authority out of the Law Enforcement Medical Liability Account established in ORS 414.815 if the provider of the medical services has made all reasonable efforts to collect the amount, or any part thereof, from the individual who received the services]* **the Oregon Health Authority shall pay out of the Law Enforcement Medical Liability Account established in ORS 414.815:**

(A) Any copayment or other cost-sharing amounts owed by the individual to the individual’s insurer or health care service contractor for the cost of the medical services; or

(B) If the individual is a recipient of medical assistance as defined in ORS 414.025 or uninsured, the full cost of the medical services.

(b) The authority shall review a law enforcement agency’s determination, and make the final determination, of whether an individual’s injuries are injuries related to law enforcement activity.

[(b)] **(c) [When a law enforcement agency involved with an injury certifies that the injury is] When the authority determines that an individual’s injuries are injuries** related to law enforcement activity, the *[Oregon Health]* authority shall pay the provider:

(A) If the provider is a hospital, in accordance with current fee schedules established by the Director of the Department of Consumer and Business Services for purposes of workers’ compensation under ORS 656.248; or

(B) If the provider is other than a hospital, 75 percent of the customary and usual rates for the services.

(d) The authority shall conduct outreach about:

(A) The availability of funding under this section to reimburse the costs of medical services for injuries related to law enforcement activity; and

(B) The process for submitting a claim for reimbursement.

(2) *[After]* **If** the injured person is incarcerated *[and throughout the period of incarceration]*, the Oregon Health Authority shall continue to pay **throughout the period of incarceration**, out of the Law Enforcement Medical Liability Account, charges and expenses for injuries related to law enforcement activities as provided in subsection (1) of this section. Upon release of the injured person from actual physical custody, the Law Enforcement Medical Liability Account is no longer liable for the payment of medical expenses of the injured person.

(3) If the provider of medical services has filed a medical services lien as provided in ORS 87.555, the Oregon Health Authority shall be subrogated to the rights of the provider to the extent of payments made by the authority to the provider for the medical services. The authority may

1 foreclose the lien as provided in ORS 87.585.

2 (4) The authority shall deposit in the Law Enforcement Medical Liability Account all moneys
3 received by the authority from:

4 (a) Providers of medical services as repayment;

5 (b) Individuals whose medical expenses were paid by the authority under this section; and

6 (c) Foreclosure of a lien as provided in subsection (3) of this section.

7 (5) As used in this section:

8 (a) "Injuries related to law enforcement activity" means injuries sustained [*prior to booking, ci-*
9 *tation in lieu of arrest or release instead of booking that occur*] during and as a result of efforts by
10 a law enforcement officer to restrain or detain, or to take or retain custody of, [*the*] **an** individual,
11 **regardless of whether the individual is cited or arrested.**

12 (b) "Law enforcement officer" has the meaning given that term in ORS 414.805.

13 **SECTION 3. The amendments to ORS 414.805 and 414.807 by sections 1 and 2 of this 2025**
14 **Act apply to injuries sustained on or after the effective date of this 2025 Act.**

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