

## SENATE AMENDMENTS TO A-ENGROSSED HOUSE BILL 3942

By COMMITTEE ON HEALTH CARE

May 19

1 On page 1 of the printed A-engrossed bill, line 2, after “facilities” insert a period and delete the  
2 rest of the line and delete line 3.

3 Delete lines 7 through 20 and delete page 2 and insert:

4 **“SECTION 2. (1) As used in this section, ‘applicant’ includes a person’s or governmental**  
5 **unit’s parent corporation or any entity affiliated with the person, governmental unit or par-**  
6 **ent corporation through ownership, governance, control or membership.**

7 **“(2) The Oregon Health Authority, for health care facilities, except long term care facil-**  
8 **ities as defined in ORS 442.015, and the Department of Human Services, for long term care**  
9 **facilities, shall provide for an expedited licensure process.**

10 **“(3) A person or governmental unit shall be eligible to use the expedited licensure process**  
11 **to apply for a license to operate a health care facility, if the license is to operate a health**  
12 **care facility in the same physical location with no significant structural or functional**  
13 **changes and of the same type as a health care facility that previously operated at the lo-**  
14 **cation and the previously operated health care facility closed within the last 24 months and**  
15 **was closed voluntarily or due to financial hardship.**

16 **“(4) Under the expedited licensure process:**

17 **“(a) An eligible applicant shall be issued a license to operate a health care facility if:**

18 **“(A) The applicant currently operates a health care facility that is located in this state**  
19 **and that is of the same type as the health care facility for which the applicant is applying**  
20 **for a license to operate;**

21 **“(B) The applicant is in good standing under the laws and regulations of this state;**

22 **“(C) There are no current or outstanding compliance issues at any health care facility**  
23 **that the applicant operates located in this state;**

24 **“(D) Each licensed health care provider who works at a health care facility that the ap-**  
25 **plicant operates located in this state holds a license that is in good standing; and**

26 **“(E) The health care facility for which the applicant is applying for a license to operate**  
27 **is in compliance with all rules and regulations of this state that apply to the health care fa-**  
28 **cility.**

29 **“(b)(A) A license to operate a health care facility that is not a long term care facility**  
30 **shall be issued within 45 days after the date on which an application is filed if the health care**  
31 **facility meets the criteria listed under paragraph (a) of this subsection, unless a waiver is**  
32 **granted under paragraph (c) of this subsection.**

33 **“(B) A license to operate a health care facility that is a long term care facility shall be**  
34 **issued as soon as reasonably practicable after an application is filed if the health care facility**  
35 **meets the criteria listed under paragraph (a) of this subsection, unless a waiver is granted**

1 under paragraph (c) of this subsection.

2 “(c) Waivers for construction and inspection requirements shall be granted as appropri-  
3 ate.

4 “(5)(a) An applicant shall be issued a provisional license to operate the health care facil-  
5 ity while the applicant’s application is being processed and reviewed under subsection (4) of  
6 this section, if:

7 “(A) The applicant submits an attestation that the applicant and health care facility meet  
8 all health and safety rules and regulations that apply to the health care facility; and

9 “(B) Upon conducting a site inspection under paragraph (b) of this subsection, the au-  
10 thority or department finds that the operation of the health care facility does not place pa-  
11 tient health or safety in immediate jeopardy.

12 “(b) Prior to issuing a provisional license, the authority or department shall conduct an  
13 in-person site inspection of the health care facility under ORS 441.025.

14 “(c) The authority or department may prescribe by rule a fee to be charged for a provi-  
15 sional license.

16 “(6) A license may not be issued under this section for a health care facility if a certif-  
17 icate of need is required under ORS 442.315 and has not been obtained.”.