

SENATE AMENDMENTS TO B-ENGROSSED HOUSE BILL 3942

By COMMITTEE ON RULES

June 23

On page 1 of the printed B-engrossed bill, delete lines 6 through 23 and delete page 2 and insert:

“SECTION 2. (1) As used in this section:

“(a) ‘Applicant’ includes a person’s or governmental unit’s parent corporation or any entity affiliated with the person, governmental unit or parent corporation through ownership, governance, control or membership.

“(b) ‘Health care facility’ does not include a:

“(A) Long term care facility.

“(B) Residential facility that primarily serves persons under 21 years of age.

“(2) The Oregon Health Authority shall provide for an expedited licensure process under ORS 441.015 to 441.119 for health care facilities.

“(3)(a) Under the expedited licensure process, the authority shall issue an applicant a license to operate a health care facility if:

“(A) The license is to operate a health care facility in the same physical location with no significant structural or functional changes and of the same type as a health care facility that previously operated at the location and the previously operated health care facility closed within the last 60 months and was closed voluntarily or due to financial hardship;

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

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

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

“(E) Each licensed health care provider who works at a health care facility that the applicant operates located in this state holds a license that is in good standing; and

“(F) The health care facility for which the applicant is applying for a license to operate is in compliance with all rules and regulations of this state that apply to the health care facility.

“(b) The authority shall issue a license to operate a health care facility within 45 days after the date on which an applicant files an application if the applicant and health care facility meet the requirements listed under paragraph (a) of this subsection or receive a waiver for a requirement under paragraph (c) of this subsection.

“(c) The authority shall grant, as appropriate, waivers for construction and inspection requirements.

“(4)(a) The authority shall issue an applicant a provisional license to operate the health care facility while the applicant’s application is being processed and reviewed under sub-

1 section (3) of this section, if:

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

4 “(B) Upon conducting a site inspection under paragraph (b) of this subsection, the au-
5 thority finds that the operation of the health care facility does not place patient health or
6 safety in immediate jeopardy.

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

9 “(c) The authority may prescribe by rule a fee to be charged for a provisional license.

10 “(5) A person or governmental unit is ineligible to use the expedited licensure process if:

11 “(a) The person or governmental unit voluntarily surrendered a license to operate a
12 health care facility during the course of a licensing or abuse investigation;

13 “(b) The person or governmental unit voluntarily surrendered the license as part of a
14 negotiated agreement, settlement or resolution to avoid a license revocation; and

15 “(c) The authority suspended or imposed conditions on the license within the 12 months
16 immediately preceding the date on which the person or governmental unit surrendered the
17 license.

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