

SENATE AMENDMENTS TO SENATE BILL 837

By COMMITTEE ON HEALTH CARE

May 15

- 1 On page 1 of the printed bill, line 2, delete “401.655.”
- 2 Delete lines 5 through 27 and delete pages 2 through 6 and insert:
- 3 “**SECTION 1.** ORS 401.651 is amended to read:
- 4 “401.651. As used in ORS 401.651 to 401.670:
- 5 “(1) ‘Health care facility’ means a health care facility as defined in ORS 442.015 that has been
- 6 licensed under ORS chapter 441.
- 7 “(2) ‘Health care provider’ means[.]
- 8 “[*(a)*] an individual licensed, certified or otherwise authorized or permitted by the laws of this
- 9 state or another state to administer health care services in the ordinary course of business or
- 10 practice of a profession[; *and*].
- 11 “[*(b)*] *A person entered in the emergency health care provider registry under ORS 401.658.*]
- 12 “(3) ‘Health professional regulatory board’ means a health professional regulatory board, as de-
- 13 fined in ORS 676.160, the Long Term Care Administrators Board, the Board of Licensed Dietitians
- 14 and the Behavior Analysis Regulatory Board.
- 15 “(4) ‘**Support and administrative personnel**’ means **an individual who is not a health care**
- 16 **provider, and who works to enable the provision of health care or public health services, in-**
- 17 **cluding medical or nonmedical operations support, management or administration.**
- 18 “**SECTION 2.** ORS 401.654 is amended to read:
- 19 “401.654. (1) The Oregon Health Authority may establish [*an emergency health care provider*] **a**
- 20 **volunteer** registry that includes [*emergency*] health care providers **and support and administrative**
- 21 **personnel** who are available to provide health care, **public health and supportive** services [*during*
- 22 *an emergency or crisis*] **on a voluntary basis**. As a condition of inclusion in the registry, the au-
- 23 thority may require:
- 24 “(a) Training related to the provision of health care, **public health or other** services [*in an*
- 25 *emergency or crisis*] as a condition of registration; [*and*]
- 26 “(b) Criminal background checks for applicants and persons who have been registered[.]; **and**
- 27 “**(c) Screenings of physical health, emotional health or immunization status in order to**
- 28 **assign appropriate duties without increased health-related risks.**
- 29 “(2) The authority [*shall*] **may** issue identification cards to [*health care providers*] **individuals**
- 30 entered in the [*emergency health care provider*] registry established under this section that:
- 31 “(a) Identify the [*health care provider*] **individual**;
- 32 “(b) Indicate that the [*health care provider*] **individual** is registered [*as an Oregon emergency*
- 33 *health care provider*] **in the registry established under this section**;
- 34 “(c) Identify [*the*] **any** license or certification held by the [*health care provider*] **individual**, or
- 35 previously held by the [*health care provider*] **individual** if the [*health care provider*] **individual** is

1 entered in the [emergency health care provider] registry [under] **pursuant to** ORS 401.658; and

2 “(d) Identify the [health care provider’s] **individual’s** usual area of practice, and the types of
3 [health care] **services** that the [health care provider] **individual** is authorized to provide, if that in-
4 formation is available and the authority determines that it is appropriate to provide that informa-
5 tion.

6 “(3) The authority by rule [shall] **may** establish a form for identification cards issued under
7 subsection (2) of this section.

8 “(4) The authority shall support and provide assistance to the Oregon Department of Emergency
9 Management in emergencies or crises involving the public health or requiring emergency medical
10 response.

11 “(5) The authority may enter into agreements with other states to facilitate the registry of
12 out-of-state health care providers **and support and administrative personnel** in the [emergency
13 health care provider] registry established under this section.

14 “**SECTION 3.** ORS 401.657 is amended to read:

15 “401.657. (1) The Oregon Health Authority may designate all or part of a health care facility
16 or other location as an emergency health care center. If the Governor declares a state of emergency
17 under ORS 401.165, or declares a state of public health emergency under ORS 433.441, emergency
18 health care centers may be used for:

19 “(a) Evaluation and referral of individuals affected by the emergency;

20 “(b) Provision of health care services; and

21 “(c) Preparation of patients for transportation.

22 “(2) The Oregon Health Authority may enter into cooperative agreements with a local public
23 health authority, as defined in ORS 431.003, that allow the local public health authority to designate
24 emergency health care centers under this section.

25 “(3) An emergency health care center designated under this section must have an emergency
26 operations plan and a credentialing plan that governs the use of [emergency health care providers]
27 **individuals** registered under ORS 401.654 and other health care providers who volunteer to perform
28 health care services at the center under ORS 401.651 to 401.670. The emergency operations plan and
29 credentialing plan must comply with rules governing those plans adopted by the Oregon Health
30 Authority.

31 “**SECTION 4.** ORS 401.658 is amended to read:

32 “401.658. (1) The Oregon Health Authority may include in the [emergency health care provider]
33 registry established under ORS 401.654 a person who was previously licensed, certified or otherwise
34 authorized to provide health care services in Oregon by a health professional regulatory board if:

35 “(a) The person was licensed, certified or otherwise authorized to provide health care services
36 not more than 10 years before entry in the registry; and

37 “(b) The person meets such other criteria as may be established by the authority.

38 “(2) Notwithstanding any other law prohibiting a person from providing health care services
39 without a license, certificate or other authorization from a health professional regulatory board, a
40 person entered in the [emergency health care provider] registry under subsection (1) of this section
41 may provide health care services during a state of emergency declared under ORS 401.165 or a state
42 of public health emergency declared under ORS 433.441 without a license, certification or other
43 authorization if:

44 “(a) The person is in compliance with all rules adopted by the authority for persons providing
45 health care services under this section; and

1 “(b) The authority has directed the person to provide health care services under ORS 401.661
2 (1).

3 “(3) The authority may adopt rules, after consulting with the appropriate health professional
4 regulatory boards, that establish criteria and requirements for including persons in the [*emergency*
5 *health care provider*] registry under this section, including but not limited to:

6 “(a) Educational requirements;

7 “(b) Training requirements;

8 “(c) Verification of previous licenses, certifications or other authorization by a health profes-
9 sional regulatory board;

10 “(d) Verification that the previous licenses, certifications or other authorization of the person
11 was not revoked by reason of unprofessional conduct or any other reason that would affect the
12 person’s ability to safely provide health care services; and

13 “(e) Limitations on the type of health care services that may be provided by the person under
14 this section and the places at which those services may be provided.

15 “**SECTION 5.** ORS 401.661 is amended to read:

16 “401.661. [*If the Governor declares a state of emergency under ORS 401.165 or declares a state of*
17 *public health emergency under ORS 433.441:*]

18 “(1) The Oregon Health Authority, in conjunction with the Department of Human Services for
19 facilities licensed by the department, may direct [*emergency health care providers*] **individuals** reg-
20 istered under ORS 401.654 who are willing to provide [*health care*] **volunteer** services to proceed
21 to any place in this state where [*health care*] **such** services are required [*by reason of the emergency*
22 *or crisis*];.

23 “(2) Pursuant to the Emergency Management Assistance Compact and the Pacific Northwest
24 Emergency Management Arrangement, the Oregon Health Authority may direct [*emergency health*
25 *care providers*] **individuals** registered under ORS 401.654 who are willing to provide [*health care*]
26 **volunteer** services in another [*state*] **jurisdiction** to proceed to another [*state*] **jurisdiction** where
27 [*emergency health care*] **such** services are required by reason of an emergency in that [*state; and*]
28 **jurisdiction. Individuals registered under ORS 401.654 are officers of the state for purposes**
29 **of the Emergency Management Assistance Compact.**

30 “(3) **If the Governor declares a state of emergency under ORS 401.165 or declares a state**
31 **of public health emergency under ORS 433.441,** any [*emergency health care provider*] **individual**
32 registered under ORS 401.654 or [*other*] **any** health care provider may volunteer to perform [*health*
33 *care*] services described in ORS 401.657 at any emergency health care center or health care facility
34 in the manner provided by ORS 401.664.

35 “**SECTION 6.** ORS 401.664 is amended to read:

36 “401.664. (1) [*Emergency health care providers*] **Individuals** registered under ORS 401.654 and
37 [*other*] health care providers who volunteer to perform [*health care*] services under ORS 401.651 to
38 401.670 must provide those services in accordance with the emergency operations plan and creden-
39 tialing plan adopted by the emergency health care center or [*by*] the health care facility at which
40 the services are rendered.

41 “(2) An emergency health care center or health care facility may determine the services to be
42 provided by any [*emergency health care provider*] **individual** registered under ORS 401.654 or
43 [*other*] **any** health care provider who volunteers to perform health care services under ORS 401.651
44 to 401.670.

45 “**SECTION 7.** ORS 401.667 is amended to read:

1 “401.667. [(1) If the Governor declares a state of emergency under ORS 401.165, or declares a state
2 of public health emergency under ORS 433.441, emergency health care providers registered under ORS
3 401.654 and other health care providers who volunteer to perform health care services under ORS
4 401.651 to 401.670 are agents of the state under ORS 30.260 to 30.300 for the purposes of any claims
5 arising out of services that are provided under ORS 401.651 to 401.670 pursuant to directions from a
6 public body and that are within the course and scope of the health care provider’s duties, without re-
7 gard to whether the health care provider is compensated for the services.]

8 “(1)(a) **Individuals registered under ORS 401.654 and health care providers who volunteer**
9 **to perform health care services under ORS 401.661 are agents of the state under ORS 30.260**
10 **to 30.300 for the purposes of any claims arising out of services that are provided under ORS**
11 **401.661 pursuant to directions from a public body and that are within the course and scope**
12 **of the individual’s duties, without regard to whether the individual is compensated for the**
13 **services.**

14 “(b) **If the Governor declares a state of emergency under ORS 401.165, or declares a state**
15 **of public health emergency under ORS 433.441, individuals registered under ORS 401.654 and**
16 **health care providers who volunteer to perform health care services under ORS 401.655,**
17 **401.656, 401.657 or 401.658 are agents of the state under ORS 30.260 to 30.300 for the purposes**
18 **of any claims arising out of services that are provided under ORS 401.655, 401.656, 401.657 or**
19 **401.658 pursuant to directions from a public body and that are within the course and scope**
20 **of the individual’s duties, without regard to whether the individual is compensated for the**
21 **services.**

22 “(2) If the Governor declares a state of emergency under ORS 401.165, or declares a state of
23 public health emergency under ORS 433.441, health care facilities designated under ORS 401.657 and
24 other persons operating emergency health care centers designated under ORS 401.657 are agents of
25 the state under ORS 30.260 to 30.300 for the purposes of any claims arising out of services that are
26 provided through those centers or facilities under ORS 401.651 to 401.670 pursuant to directions
27 from a public body and that are within the course and scope of the duties of the health care facility
28 or other person, without regard to whether the health care facility or other person is compensated
29 for the services.

30 “(3) An [emergency health care provider] **individual** registered under ORS 401.654 participating
31 in training authorized by the Oregon Health Authority under ORS 401.651 to 401.670 is an agent of
32 the state under ORS 30.260 to 30.300 for the purposes of any claims arising out of that training.

33 “(4) The provisions of subsection (2) of this section apply only to emergency health care centers
34 or health care facilities that have adopted emergency operations plans and credentialing plans that
35 govern the use of [emergency health care providers] **individuals** registered under ORS 401.654 and
36 other health care providers who volunteer to perform health care services under ORS 401.651 to
37 401.670. An emergency operations plan and a credentialing plan must comply with rules governing
38 those plans adopted by the authority.

39 “**SECTION 8.** ORS 656.047 is amended to read:

40 “656.047. (1) The Oregon Health Authority shall provide workers’ compensation coverage for
41 [volunteer emergency health care providers] **individuals** registered under ORS 401.654 who are in-
42 jured in the course and scope of performing [emergency health care] **volunteer** services if the injury
43 occurs:

44 “(a) While the [volunteer] **individual** is performing [health care] services at the direction of the
45 authority under ORS 401.661; [or]

1 “(b) While the [volunteer] **individual** is engaged in training being conducted or approved by the
2 authority for the purpose of preparing the [volunteer] **individual** to perform [emergency health care]
3 services[.]; **or**

4 “(c) **While the individual is performing services at the direction of the authority, pursu-**
5 **ant to the Emergency Management Assistance Compact and the Pacific Northwest Emer-**
6 **gency Management Arrangement, in another jurisdiction where such services are required**
7 **by reason of an emergency in that jurisdiction.**

8 “(2) Workers’ compensation coverage shall be provided under this section in the manner pro-
9 vided by ORS 656.039.

10 “**SECTION 9.** ORS 431A.015 is amended to read:

11 “431A.015. (1) Unless the Governor has declared a public health emergency under ORS 433.441,
12 the Public Health Director may, upon approval of the Governor or the designee of the Governor,
13 take the public health actions described in subsection (2) of this section if the Public Health Direc-
14 tor determines that:

15 “(a)(A) A communicable disease, reportable disease, disease outbreak, epidemic or other condi-
16 tion of public health importance has affected more than one county;

17 “(B) There is an immediate need for a consistent response from the state in order to adequately
18 protect the public health;

19 “(C) The resources of the local public health authority or authorities are likely to be quickly
20 overwhelmed or unable to effectively manage the required response; and

21 “(D) There is a significant risk to the public health; or

22 “(b) A communicable disease, reportable disease, disease outbreak, epidemic or other condition
23 of public health importance is reported in Oregon and is an issue of significant regional or national
24 concern or is an issue for which there is significant involvement from federal authorities requiring
25 state-federal coordination.

26 “(2) The Public Health Director, after making the determinations required under subsection (1)
27 of this section, may take the following public health actions:

28 “(a) Coordinate the public health response across jurisdictions.

29 “(b) Prescribe measures for the:

30 “(A) Identification, assessment and control of the communicable disease or reportable disease,
31 disease outbreak, epidemic or other condition of public health importance; and

32 “(B) Allocation and distribution of antitoxins, serums, vaccines, immunizing agents, antibiotics,
33 antidotes and other pharmaceutical agents, medical supplies or personal protective equipment.

34 “(c) After consultation with appropriate medical experts, create and require the use of diagnos-
35 tic and treatment guidelines and provide notice of those guidelines to health care providers, insti-
36 tutions and facilities.

37 “(d) Require a person to obtain treatment and use appropriate prophylactic measures to prevent
38 the introduction or spread of a communicable disease or reportable disease, unless:

39 “(A) The person has a medical diagnosis for which a vaccination is contraindicated; or

40 “(B) The person has a religious or conscientious objection to the required treatments or
41 prophylactic measures.

42 “(e) Notwithstanding ORS 332.075, direct a district school board to close a children’s facility or
43 school under the jurisdiction of the board. The authority granted to the Public Health Director un-
44 der this paragraph supersedes the authority granted to the district school board under ORS 332.075
45 to the extent the authority granted to the board is inconsistent with the authority granted to the

1 director.

2 “(f) Issue guidelines for private businesses regarding appropriate work restrictions.

3 “(g) Organize public information activities regarding the public health response to circumstances
4 described in subsection (1) of this section.

5 “(h) Adopt reporting requirements for, and provide notice of those reporting requirements to,
6 health care providers, institutions and facilities for the purpose of obtaining information directly
7 related to the public health threat presented.

8 “(i) Take control of antitoxins, serums, vaccines, immunizing agents, antibiotics, antidotes and
9 other pharmaceutical agents, medical supplies or personal protective equipment.

10 “(j) Direct and deploy [*emergency health care providers*] **volunteers** under ORS 401.661.

11 “(3) The authority granted to the Public Health Director under this section is not intended to
12 override the general authority provided to a local public health authority except as already per-
13 mitted by law, or under the circumstances described in subsection (1) of this section.

14 “(4) If the Oregon Health Authority adopts temporary rules to implement subsection (2) of this
15 section, the rules adopted are not subject to the provisions of ORS 183.335 (6)(a). The authority may
16 amend the temporary rules adopted under this subsection as often as is necessary to respond to the
17 public health threat.

18 “(5) If it is necessary for the authority to purchase antitoxins, serums, vaccines, immunizing
19 agents, antibiotics, antidotes or other pharmaceutical agents, medical supplies or personal protective
20 equipment, the purchases are not subject to the provisions of ORS chapter 279A, 279B or 279C.

21 “(6) If property is taken under the authority granted to the Public Health Director under sub-
22 section (2) of this section, the owner of the property is entitled to reasonable compensation from the
23 state.”.

24
