

Requested by Senator HAYDEN

**PROPOSED MINORITY REPORT AMENDMENTS TO
SENATE BILL 951**

1 On page 1 of the printed bill, line 2, after “care” insert a period and de-
2 lete the rest of the line and line 3.

3 Delete lines 4 through 20 and delete pages 2 through 12 and insert:

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

5 **“(a) ‘Board’ has the meaning given that term in ORS 413.164.**

6 **“(b) ‘Health care funder’ means a person that provides money,**
7 **materials, in-kind services or materials, capital investment or any**
8 **other contribution of value to a professional medical entity for the**
9 **purpose of enabling the professional medical entity to engage in the**
10 **practice of medicine or to enable the professional medical entity to**
11 **render professional health care services to patients.**

12 **“(c) ‘Health care investor’ means a person, other than a health care**
13 **provider, that owns or controls shares or an ownership interest in a**
14 **professional medical entity.**

15 **“(d) ‘Health care provider’ has the meaning given that term in ORS**
16 **413.164.**

17 **“(e) ‘Professional medical entity’ means:**

18 **“(A) A professional corporation, as described in ORS 58.375;**

19 **“(B) A professional corporation, as described in ORS 58.376; or**

20 **“(C) A limited liability company or foreign limited liability company**
21 **with authority to transact business in this state, a partnership or**

1 foreign partnership with authority to transact business in this state,
2 a limited partnership or foreign limited partnership with authority to
3 transact business in this state or a limited liability partnership or
4 foreign limited liability partnership with authority to transact busi-
5 ness in this state, any of which is organized for the purpose of prac-
6 ticing medicine or for the purpose of allowing physicians, physician
7 associates and nurse practitioners to jointly render professional health
8 care services.

9 “(2) A health care investor or health care funder may not:

10 “(a) Direct, control or attempt to direct or control the clinical
11 practice or professional medical judgment of a health care provider
12 or limit a health care provider’s choices, decisions or judgments with
13 respect to:

14 “(A) Developing a treatment plan;

15 “(B) Prescribing or recommending medications or medical devices
16 for a patient;

17 “(C) Referring a patient to a specialist or other provider;

18 “(D) Specifying staff-to-patient ratios in a clinical setting; or

19 “(E) Whether to engage or not engage in any other activity that
20 constitutes the practice of medicine, as described in ORS 677.085, or
21 that otherwise falls within the scope of practice of a health care pro-
22 vider; or

23 “(b) Restrict or attempt to restrict funding for a professional med-
24 ical entity in a manner that would affect a health care provider’s
25 clinical practice or the nature or quality of health care that the health
26 care provider delivers to a patient.

27 “(3)(a) A health care investor or health care funder that engages in
28 an act or practice prohibited under subsection (2) of this section:

29 “(A) Violates ORS 677.080 (4) and commits a Class C felony, as pro-
30 vided in ORS 677.990 (2), if the Oregon Medical Board determines that

1 the violation constitutes an unlawful practice of medicine; and

2 “(B) Engages in an unlawful practice of a health care provider’s
3 profession if a board that issues a license to a health care provider
4 determines that the health care funder’s or health care investor’s act
5 or practice falls within the scope of practice of a health care provider
6 to whom the board issued a license.

7 “(b) A board that makes a determination described in paragraph
8 (a)(B) of this subsection may impose a civil penalty of not more than
9 \$5,000 for each instance of a violation and in the case of a continuing
10 violation may impose a civil penalty for each day of the violation for
11 a total amount that does not exceed \$100,000.

12 “(4)(a) A health care provider or professional medical entity that
13 disputes an act or practice of a health care investor or health care
14 funder that is or may be prohibited under subsection (2) of this section
15 may petition the board that issues the health care provider’s license
16 to mediate the dispute or to make a finding that an act or practice
17 of the health care investor or health care funder is a violation of
18 subsection (2) of this section.

19 “(b) If the Oregon Medical Board determines that an act or practice
20 described in paragraph (a) of this subsection is a violation of sub-
21 section (2) of this section, the Oregon Medical Board may, in addition
22 to and not in lieu of imposing a civil penalty under subsection (3)(b)
23 of this section, refer the matter to an appropriate law enforcement
24 official for prosecution.

25 “(c) A board may not consider a health care provider’s petition to
26 the board under paragraph (a) of this subsection a ground for sus-
27 pending, revoking or refusing to grant or renew a license or as
28 grounds for discipline, unless the board finds that the health care
29 provider made the petition in bad faith or on false or fraudulent
30 grounds.”.

