

**Subject: Testimony in Support of HB 4142 with Requested Amendment for Provider "Safe Harbor"**

**To the House Committee on Health Care:**

I am a licensed long-term care provider in Oregon. I am submitting this testimony anonymously to protect my agency from regulatory scrutiny while I highlight a systemic failure that puts providers and residents at risk.

I support **HB 4142**, but I urge the committee to add a provision addressing **Community Transportation**. Currently, providers are caught in a "regulatory trap" between two conflicting rules:

1. **OAR 411-004-0020 (Freedom of Movement)**: This rule mandates that we ensure residents have the same access to the community as people not receiving services, including shopping and personal errands.
2. **APD-PT-24-022 (Non-Assistance)**: This policy prohibits any "acquisition" or "travel to" a facility for the purpose of obtaining cannabis.

**The Real-World Impact:** Because our staff are paid with Medicaid (federal) funds, we are told we cannot drive a resident to a dispensary. However, if a resident with a mobility disability wants to visit a specific dispensary for their medicine—as is their right under Oregon law—we are effectively **imprisoning them in their homes** by refusing transportation.

If we drive them, we risk losing our license to a "mileage audit." If we refuse to drive them, we are violating their **Freedom of Movement** rights.

**Requested Legislative Action:** I ask that **HB 4142** be amended to:

- Clarify that **Community Transportation** is a neutral service.
- Authorize **State-Only General Funds** to be used for transportation to state-licensed marijuana facilities for medical cardholders. This bypasses the federal "Medicaid strings" and allows Oregon to protect the rights of its own citizens.
- Protect providers who follow "Neutral Transport" protocols (e.g., staff remains in the car and does not touch the product) from being cited for "acquisition assistance."

Without this change, high-quality care agencies will disappear because they cannot safely navigate this impossible mismatch of laws.

Respectfully submitted,

*A Concerned Oregon Provider*