

# Chapter 413

2011 EDITION

## Oregon Health Authority

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**Note:** 414.025 contains definitions for ORS chapter 413.

**413.005** [Formerly 413.010; 1965 c.556 §21; 1973 c.651 §7; 2003 c.14 §184; repealed by 2005 c.381 §30]

**OREGON HEALTH POLICY BOARD**

**413.006 Establishment of Oregon Health Policy Board.** (1) There is established the Oregon Health Policy Board, consisting of nine members appointed by the Governor.

(2) The term of office of each member is four years, but a member serves at the pleasure of the Governor. Before the expiration of the term of a member, the Governor shall appoint a successor whose term begins on January 1 next following. A member is eligible for reappointment. If there is a vacancy for any cause, the Governor shall make an appointment to become immediately effective for the unexpired term.

(3) The appointment of the board is subject to confirmation by the Senate in the manner prescribed in ORS 171.562 and 171.565.

(4) Members of the board are entitled to reimbursement of per diem and travel expenses for their attendance at board meetings and subcommittee meetings as provided in ORS 292.495. [2009 c.595 §1]

**Note:** Section 2, chapter 595, Oregon Laws 2009, provides:

**Sec. 2.** Notwithstanding the term of office specified by section 1 of this 2009 Act [413.006], of the members first appointed to the Oregon Health Policy Board:

- (1) Two shall serve for terms ending December 31, 2011.
- (2) Two shall serve for terms ending December 31, 2012.
- (3) Two shall serve for terms ending December 31, 2013.
- (4) Three shall serve for terms ending December 31, 2014. [2009 c.595 §2]

**413.007 Composition of board.** (1) The Oregon Health Policy Board consists of individuals who:

- (a) Are United States citizens and residents of this state;
- (b) Have demonstrated leadership skills in their professional and civic lives;
- (c) To the greatest extent practicable, represent the various geographic, ethnic, gender, racial and economic diversity of this state; and
- (d) Collectively offer expertise, knowledge and experience in consumer advocacy, management of a company that offers health insurance to its employees, public health, finance, organized labor, health care and the operation of a small business.

(2) No more than four members of the board may be individuals:

(a) Whose household incomes, during the individuals' tenure on the board or during the 12-month period prior to the individuals' appointment to the board, come from health care or from a health care related field; or

(b) Who receive health care benefits from a publicly funded state health benefit plan.

(3) No more than four members of the board may be, during the individuals' tenure on the board or during the 12-month period prior to the individuals' appointment to the board, employed in a health care or health care related field.

(4) At least one member of the board shall have an active license to provide health care in Oregon and shall be appointed to serve in addition to the members offering the expertise, knowledge and experience described in subsection (1)(d) of this section. [2009 c.595 §4]

**413.008 Chairperson; quorum; meetings.** (1) The Governor shall select from the membership of the Oregon Health Policy Board the chairperson and vice chairperson.

(2) A majority of the members of the board constitutes a quorum for the transaction of business.

(3) The board shall meet at least once every month and shall meet at least once every two years in each congressional district in this state, at a place, day and hour determined by the board. The board may also meet at other times and places specified by the call of the chairperson or a majority of the members of the board, or as specified in bylaws adopted by the board. [2009 c.595 §5]

**413.009** [Formerly 413.020; 1965 c.556 §22; 1967 c.204 §2; 1969 c.468 §4; 1973 c.651 §8; repealed by 2005 c.381 §30]

**413.010** [Amended by 1961 c.620 §9; renumbered 413.005]

**413.011 Duties of board.** (1) The duties of the Oregon Health Policy Board are to:

(a) Be the policy-making and oversight body for the Oregon Health Authority established in ORS 413.032 and all of the authority's departmental divisions, including the Oregon Health Insurance Exchange described in section 17, chapter 595, Oregon Laws 2009.

(b) Develop and submit a plan to the Legislative Assembly by December 31, 2010, to provide and fund access to affordable, quality health care for all Oregonians by 2015.

(c) Develop a program to provide health insurance premium assistance to all low and moderate income individuals who are legal residents of Oregon.

(d) Establish and continuously refine uniform, statewide health care quality stan-

dards for use by all purchasers of health care, third-party payers and health care providers as quality performance benchmarks.

(e) Establish evidence-based clinical standards and practice guidelines that may be used by providers.

(f) Approve and monitor community-centered health initiatives described in ORS 413.032 (1)(i) that are consistent with public health goals, strategies, programs and performance standards adopted by the Oregon Health Policy Board to improve the health of all Oregonians, and shall regularly report to the Legislative Assembly on the accomplishments and needed changes to the initiatives.

(g) Establish cost containment mechanisms to reduce health care costs.

(h) Ensure that Oregon's health care workforce is sufficient in numbers and training to meet the demand that will be created by the expansion in health coverage, health care system transformations, an increasingly diverse population and an aging workforce.

(i) Work with the Oregon congressional delegation to advance the adoption of changes in federal law or policy to promote Oregon's comprehensive health reform plan.

(j) Establish a health benefit package in accordance with ORS 741.340 to be used as the baseline for all health benefit plans offered through the Oregon Health Insurance Exchange.

(k) Develop and submit a plan to the Legislative Assembly by December 31, 2010, with recommended policies and procedures for the Oregon Health Insurance Exchange developed in accordance with section 17, chapter 595, Oregon Laws 2009.

(L) Develop and submit a plan to the Legislative Assembly by December 31, 2010, with recommendations for the development of a publicly owned health benefit plan that operates in the exchange under the same rules and regulations as all health insurance plans offered through the exchange, including fully allocated fixed and variable operating and capital costs.

(m) By December 31, 2010, investigate and report to the Legislative Assembly, and annually thereafter, on the feasibility and advisability of future changes to the health insurance market in Oregon, including but not limited to the following:

(A) A requirement for every resident to have health insurance coverage.

(B) A payroll tax as a means to encourage employers to continue providing health insurance to their employees.

(C) Expansion of the exchange to include a program of premium assistance and to advance reforms of the insurance market.

(D) The implementation of a system of interoperable electronic health records utilized by all health care providers in this state.

(n) Meet cost-containment goals by structuring reimbursement rates to reward comprehensive management of diseases, quality outcomes and the efficient use of resources by promoting cost-effective procedures, services and programs including, without limitation, preventive health, dental and primary care services, web-based office visits, telephone consultations and telemedicine consultations.

(o) Oversee the expenditure of moneys from the Health Care Workforce Strategic Fund to support grants to primary care providers and rural health practitioners, to increase the number of primary care educators and to support efforts to create and develop career ladder opportunities.

(p) Work with the Public Health Benefit Purchasers Committee, administrators of the medical assistance program and the Department of Corrections to identify uniform contracting standards for health benefit plans that achieve maximum quality and cost outcomes and align the contracting standards for all state programs to the greatest extent practicable.

(2) The Oregon Health Policy Board is authorized to:

(a) Subject to the approval of the Governor, organize and reorganize the authority as the board considers necessary to properly conduct the work of the authority.

(b) Submit directly to the Legislative Counsel, no later than October 1 of each even-numbered year, requests for measures necessary to provide statutory authorization to carry out any of the board's duties or to implement any of the board's recommendations. The measures may be filed prior to the beginning of the legislative session in accordance with the rules of the House of Representatives and the Senate.

(3) If the board or the authority is unable to perform, in whole or in part, any of the duties described in ORS 413.006 to 413.042, 413.101 and 741.340 without federal approval, the authority is authorized to request, in accordance with ORS 413.072, waivers or other approval necessary to perform those duties. The authority shall implement any portions of those duties not requiring legislative authority or federal approval, to the extent practicable.

(4) The enumeration of duties, functions and powers in this section is not intended to

be exclusive nor to limit the duties, functions and powers imposed on the board by ORS 413.006 to 413.042, 413.101 and 741.340 and by other statutes.

(5) The board shall consult with the Department of Consumer and Business Services in completing the tasks set forth in subsection (1)(j), (k) and (m)(A) and (C) of this section. [2009 c.595 §9; 2011 c.9 §55; 2011 c.720 §125]

**413.014 Rules.** In accordance with applicable provisions of ORS chapter 183, the Oregon Health Policy Board may adopt rules necessary for the administration of the laws that the board is charged with administering. [2009 c.595 §6]

**413.015** [Formerly 413.030; repealed by 1969 c.69 §8]

**413.016 Authority of board to establish advisory and technical committees.** (1) The Oregon Health Policy Board may establish such advisory and technical committees as the board considers necessary to aid and advise the board in the performance of the board's functions. These committees may be continuing or temporary committees. The board shall determine the representation, membership, terms and organization of the committees and shall appoint the members of the committees.

(2) Members of the committees who are not members of the board are not entitled to compensation, but at the discretion of the board may be reimbursed from funds available to the board for actual and necessary travel and other expenses incurred by them in the performance of their official duties, in the manner and amount provided in ORS 292.495. [2009 c.595 §8]

**413.017 Public Health Benefit Purchasers Committee and Health Care Workforce Committee.** (1) The Oregon Health Policy Board shall establish the committees described in subsections (2) and (3) of this section.

(2)(a) The Public Health Benefit Purchasers Committee shall include individuals who purchase health care for the following:

- (A) The Public Employees' Benefit Board.
- (B) The Oregon Educators Benefit Board.
- (C) Trustees of the Public Employees Retirement System.
- (D) A city government.
- (E) A county government.
- (F) A special district.

(G) Any private nonprofit organization that receives the majority of its funding from the state and requests to participate on the committee.

(b) The Public Health Benefit Purchasers Committee shall:

(A) Identify and make specific recommendations to achieve uniformity across all public health benefit plan designs based on the best available clinical evidence, recognized best practices for health promotion and disease management, demonstrated cost-effectiveness and shared demographics among the enrollees within the pools covered by the benefit plans.

(B) Develop an action plan for ongoing collaboration to implement the benefit design alignment described in subparagraph (A) of this paragraph and shall leverage purchasing to achieve benefit uniformity if practicable.

(C) Continuously review and report to the Oregon Health Policy Board on the committee's progress in aligning benefits while minimizing the cost shift to individual purchasers of insurance without shifting costs to the private sector or the Oregon Health Insurance Exchange.

(c) The Oregon Health Policy Board shall work with the Public Health Benefit Purchasers Committee to identify uniform provisions for state and local public contracts for health benefit plans that achieve maximum quality and cost outcomes. The board shall collaborate with the committee to develop steps to implement joint contract provisions. The committee shall identify a schedule for the implementation of contract changes. The process for implementation of joint contract provisions must include a review process to protect against unintended cost shifts to enrollees or agencies.

(d) Proposals and plans developed in accordance with this subsection shall be completed by October 1, 2010, and shall be submitted to the Oregon Health Policy Board for its approval and possible referral to the Legislative Assembly no later than December 31, 2010.

(3)(a) The Health Care Workforce Committee shall include individuals who have the collective expertise, knowledge and experience in a broad range of health professions, health care education and health care workforce development initiatives.

(b) The Health Care Workforce Committee shall coordinate efforts to recruit and educate health care professionals and retain a quality workforce to meet the demand that will be created by the expansion in health care coverage, system transformations and an increasingly diverse population.

(c) The Health Care Workforce Committee shall conduct an inventory of all grants and other state resources available for addressing the need to expand the health care workforce to meet the needs of Oregonians for health care.

(4) Members of the committees described in subsections (2) and (3) of this section who are not members of the Oregon Health Policy Board are not entitled to compensation but shall be reimbursed from funds available to the board for actual and necessary travel and other expenses incurred by them by their attendance at committee meetings, in the manner and amount provided in ORS 292.495. [2009 c.595 §7]

**413.018 Health Care Workforce Strategic Fund.** There is established in the State Treasury, separate and distinct from the General Fund, the Health Care Workforce Strategic Fund. The fund shall consist of moneys obtained from federal and private sources as well as any moneys appropriated to the fund by the Legislative Assembly. Moneys in the fund are continuously appropriated to the Oregon Health Authority to meet the goals established by the Health Care Workforce Committee established pursuant to ORS 413.017. [2009 c.595 §7a]

**413.019** [Formerly 413.040; 1967 c.116 §2; repealed by 2005 c.381 §30]

**413.020** [Renumbered 413.009]

**413.025** [Formerly 413.150; 1969 c.69 §6; repealed by 1981 c.784 §38]

**413.029** [Formerly 413.190; repealed by 2005 c.381 §30]

**413.030** [Amended by 1961 c.620 §10; renumbered 413.015]

### OREGON HEALTH AUTHORITY

**413.031** [2009 c.595 §18; renumbered 413.101 in 2011]

**413.032 Establishment of Oregon Health Authority.** (1) The Oregon Health Authority is established. The authority shall:

(a) Carry out policies adopted by the Oregon Health Policy Board;

(b) Administer the Oregon Integrated and Coordinated Health Care Delivery System established in ORS 414.620;

(c) Administer the Oregon Prescription Drug Program;

(d) Administer the Family Health Insurance Assistance Program;

(e) Develop the policies for and the provision of publicly funded medical care and medical assistance in this state;

(f) Develop the policies for and the provision of mental health treatment and treatment of addictions;

(g) Assess, promote and protect the health of the public as specified by state and federal law;

(h) Provide regular reports to the board with respect to the performance of health services contractors serving recipients of

medical assistance, including reports of trends in health services and enrollee satisfaction;

(i) Guide and support, with the authorization of the board, community-centered health initiatives designed to address critical risk factors, especially those that contribute to chronic disease;

(j) Be the state Medicaid agency for the administration of funds from Titles XIX and XXI of the Social Security Act and administer medical assistance under ORS chapter 414;

(k) In consultation with the Director of the Department of Consumer and Business Services, periodically review and recommend standards and methodologies to the Legislative Assembly for:

(A) Review of administrative expenses of health insurers;

(B) Approval of rates; and

(C) Enforcement of rating rules adopted by the Department of Consumer and Business Services;

(L) Structure reimbursement rates for providers that serve recipients of medical assistance to reward comprehensive management of diseases, quality outcomes and the efficient use of resources and to promote cost-effective procedures, services and programs including, without limitation, preventive health, dental and primary care services, web-based office visits, telephone consultations and telemedicine consultations;

(m) Guide and support community three-share agreements in which an employer, state or local government and an individual all contribute a portion of a premium for a community-centered health initiative or for insurance coverage;

(n) Develop, in consultation with the Department of Consumer and Business Services, one or more products designed to provide more affordable options for the small group market; and

(o) Implement policies and programs to expand the skilled, diverse workforce as described in ORS 414.018 (4).

(2) The Oregon Health Authority is authorized to:

(a) Create an all-claims, all-payer database to collect health care data and monitor and evaluate health care reform in Oregon and to provide comparative cost and quality information to consumers, providers and purchasers of health care about Oregon's health care systems and health plan networks in order to provide comparative information to consumers.

(b) Develop uniform contracting standards for the purchase of health care, including the following:

(A) Uniform quality standards and performance measures;

(B) Evidence-based guidelines for major chronic disease management and health care services with unexplained variations in frequency or cost;

(C) Evidence-based effectiveness guidelines for select new technologies and medical equipment; and

(D) A statewide drug formulary that may be used by publicly funded health benefit plans.

(3) The enumeration of duties, functions and powers in this section is not intended to be exclusive nor to limit the duties, functions and powers imposed on or vested in the Oregon Health Authority by ORS 413.006 to 413.042, 413.101 and 741.340 or by other statutes. [2009 c.595 §10; 2011 c.500 §5; 2011 c.602 §19; 2011 c.720 §126]

**413.033 Oregon Health Authority director.** (1) The Oregon Health Authority is under the supervision and control of a director, who is responsible for the performance of the duties, functions and powers of the authority.

(2) The Governor shall appoint the Director of the Oregon Health Authority, who holds office at the pleasure of the Governor. The appointment of the director shall be subject to confirmation by the Senate in the manner provided by ORS 171.562 and 171.565.

(3)(a) In addition to the procurement authority granted by ORS 179.040 and 279A.050, the director shall have all powers necessary to effectively and expeditiously carry out the duties, functions and powers vested in the authority by ORS 413.032 and section 19, chapter 595, Oregon Laws 2009, and the duties, functions and powers that are shared by or delegated to the authority with respect to the following agencies:

(A) The Oregon Department of Administrative Services;

(B) The Department of Consumer and Business Services; and

(C) The Department of Human Services.

(b) With respect to procurements and contracts that the authority is authorized to conduct or manage, the director may make procurements on behalf of, and supervise the procurement, establishment and administration of contracts entered into by, the departments described in paragraph (a) of this subsection.

(c) Notwithstanding ORS 279B.085, the director may approve a special procurement under paragraph (b) of this subsection that:

(A) Describes the proposed contracting procedure and the goods or services, or the class of goods or services, to be acquired through the special procurement;

(B) Is unlikely to encourage favoritism in the awarding of public contracts or to substantially diminish competition for public contracts; and

(C) Is reasonably expected to result in substantial cost savings to the authority or to the public.

(d) The director shall give public notice of the approval of a proposed special procurement as provided by the authority by rule. The requirements applicable to the Director of the Oregon Department of Administrative Services under ORS 279B.400 apply to the Director of the Oregon Health Authority with respect to special procurements under this subsection.

(e) Notwithstanding ORS 279C.335, the director may exempt a public improvement contract or a class of public improvement contracts that the authority is authorized to conduct or manage from the competitive bidding requirements of ORS 279C.335 (1) if the director makes the findings described in ORS 279C.335 (2). The provisions in ORS 279C.335 (3) to (8) with respect to the Director of the Oregon Department of Administrative Services apply to the Director of the Oregon Health Authority for exemptions granted by the director under this subsection.

(4) The director shall have the power to obtain such other services as the director considers necessary or desirable, including participation in organizations of state insurance supervisory officials and appointment of advisory committees. A member of an advisory committee so appointed shall receive no compensation for services as a member, but, subject to any other applicable law regulating travel and other expenses of state officers, shall receive actual and necessary travel and other expenses incurred in the performance of official duties.

(5) The director may apply for, receive and accept grants, gifts or other payments, including property or services from any governmental or other public or private person and may make arrangement for the use of the receipts, including the undertaking of special studies and other projects relating to the costs of health care, access to health care, public health and health care reform. [2009 c.595 §11; 2011 c.720 §126a]

**413.034 Oregon Health Authority officers and employees.** Subject to any applicable provisions of ORS chapter 240, the

Director of the Oregon Health Authority shall appoint all subordinate officers and employees of the Oregon Health Authority, prescribe their duties and fix their compensation. [2009 c.595 §13]

**413.035** [Formerly 413.211; repealed by 1973 c.651 §11]

**413.036 Use of abuse and neglect reports for screening subject individuals; rules.** (1) As used in this section:

(a) "Care" means treatment, education, training, instruction, placement services, recreational opportunities, support services or case management, or the supervision of such services, for clients of the Oregon Health Authority.

(b) "Subject individual" means a person who is:

(A) Employed or who seeks to be employed by the authority to provide care;

(B) A volunteer or who seeks to be a volunteer to provide care on behalf of the authority; or

(C) Providing care or who seeks to provide care on behalf of the authority.

(2) The Oregon Health Authority may use abuse and neglect reports, as defined in ORS 409.025, for the purpose of providing protective services or screening subject individuals.

(3) The authority shall adopt rules to carry out the provisions of subsection (2) of this section.

(4) The rules adopted in subsection (3) of this section may include:

(a) Notice and opportunity for due process for an employee of the authority who is found to be unfit; and

(b) Notice and opportunity for hearing in accordance with ORS chapter 183 for a subject individual described in subsection (1)(b)(C) of this section.

(5) Reports used by the authority under this section are confidential and may not be disclosed for any purpose other than in accordance with this section or any other provision of law. [2011 c.720 §50a]

**Note:** 413.036 was enacted into law by the Legislative Assembly but was not added to or made a part of ORS chapter 413 or any series therein by legislative action. See Preface to Oregon Revised Statutes for further explanation.

**413.037 Administering oaths; depositions; subpoenas.** The Director of the Oregon Health Authority, each deputy director and authorized representatives of the director may administer oaths, take depositions and issue subpoenas to compel the attendance of witnesses and the production of documents or other written information

necessary to carry out the provisions of ORS 413.006 to 413.042, 413.101 and 741.340. If any person fails to comply with a subpoena issued under this section or refuses to testify on matters on which the person lawfully may be interrogated, the director, deputy director or authorized representative may follow the procedure set out in ORS 183.440 to compel obedience. [2009 c.595 §15]

**413.038 Service of notice by regular mail.** (1) The Oregon Health Authority may serve a notice described in ORS 183.415 by regular mail or, if requested by the recipient of the notice, by electronic mail. The legal presumption described in ORS 40.135 (1)(q) does not apply to a notice that is served by regular mail under this section.

(2) Except as provided in subsection (3) of this section, a contested case notice served in accordance with subsection (1) of this section that complies with ORS 183.415 but for service by regular or electronic mail becomes a final order against a party and is not subject to ORS 183.470 (2), upon the earlier of the following:

(a) If the party fails to request a hearing, the day after the date prescribed in the notice as the deadline for requesting a hearing.

(b) The date the authority or the Office of Administrative Hearings mails an order dismissing a hearing request because:

(A) The party withdraws the request for hearing; or

(B) Neither the party nor the party's representative appears on the date and at the time set for hearing.

(3) The authority shall prescribe by rule a period of not less than 60 days after a notice becomes a final order under subsection (2) of this section within which a party may request a hearing under this subsection. If a party requests a hearing within the period prescribed under this subsection, the authority shall do one of the following:

(a) If the authority finds that the party did not receive the written notice and did not have actual knowledge of the notice, refer the request for hearing to the Office of Administrative Hearings for a contested case proceeding on the merits of the authority's intended action described in the notice.

(b) Refer the request for hearing to the Office of Administrative Hearings for a contested case proceeding to determine whether the party received the written notice or had actual knowledge of the notice. The authority must show that the party had actual knowledge of the notice or that the authority mailed the notice to the party's correct address or sent an electronic notice to the party's correct electronic mail address.

(4) If a party informs the authority that the party did not receive a notice served by regular or electronic mail in accordance with subsection (1) of this section, the authority shall advise the party of the right to request a hearing under subsection (3) of this section. [2011 c.720 §50]

**Note:** 413.038 was enacted into law by the Legislative Assembly but was not added to or made a part of ORS chapter 413 or any series therein by legislative action. See Preface to Oregon Revised Statutes for further explanation.

**413.039** [1961 c.620 §23; 1963 c.609 §4; 1965 c.556 §23; repealed by 1965 c.556 §28 and 1969 c.203 §13]

**413.040** [Amended by 1961 c.620 §11; renumbered 413.019]

**413.041 Persons authorized to represent Oregon Health Authority in contested cases.** (1) Notwithstanding ORS 8.690, 9.160, 9.320 or 203.145 or ORS chapter 180 or other law, in any contested case proceeding before the Oregon Health Authority, a corporation may be represented by an attorney or by any officer or authorized agent or employee of the corporation.

(2) As used in this section, “corporation” includes a public or private corporation, whether or not organized for profit. [2011 c.720 §44]

**Note:** 413.041 was enacted into law by the Legislative Assembly but was not added to or made a part of ORS chapter 413 or any series therein by legislative action. See Preface to Oregon Revised Statutes for further explanation.

**413.042 Rules.** In accordance with applicable provisions of ORS chapter 183, the Director of the Oregon Health Authority may adopt rules necessary for the administration of the laws that the Oregon Health Authority is charged with administering. [2009 c.595 §14]

**413.045** [1961 c.620 §22; 1963 c.609 §5; repealed by 1965 c.556 §28 and 1969 c.203 §13]

**413.047** [1963 c.609 §2; repealed by 1965 c.556 §28 and 1969 c.203 §13]

**413.049** [1961 c.620 §11b; repealed by 1963 c.609 §6]

**413.050** [Amended by 1961 c.620 §12; renumbered 413.068]

**413.052** [1963 c.609 §3; 1965 c.556 §24; repealed by 1965 c.556 §28; and 1969 c.203 §13]

**413.055** [1961 c.620 §25; repealed by 1965 c.556 §28 and 1969 c.203 §13]

**413.059** [1961 c.620 §§27,28; repealed by 1965 c.556 §28 and 1969 c.203 §13]

**413.060** [Repealed by 1961 c.171 §4]

**413.061** [1963 c.609 §9(4); repealed by 1969 c.203 §13]

**413.063** [1963 c.609 §9(1),(2),(3); repealed by 1969 c.203 §13]

**413.064** [2009 c.595 §16; 2011 c.720 §127; renumbered 741.340 in 2011]

**413.065** [1961 c.620 §29; repealed by 1963 c.609 §6]

**413.066** [1963 c.609 §8; repealed by 1969 c.203 §13]

**413.068** [Formerly 413.050; 1969 c.203 §3; 1971 c.779 §38; repealed by 2005 c.381 §30]

**413.070** [Amended by 1961 c.620 §13; 1969 c.203 §4; 1971 c.779 §39; 2003 c.14 §185; repealed by 2005 c.381 §30]

**413.071 Authorization to request federal waivers.** Notwithstanding any other provision of law, federal laws shall govern the administration of federally granted funds. The Director of the Oregon Health Authority may request a waiver of any federal law in order to fully implement provisions of state law using federally granted funds. [2011 c.720 §36]

**Note:** 413.071 and 413.072 were enacted into law by the Legislative Assembly but were not added to or made a part of ORS chapter 413 or any series therein by legislative action. See Preface to Oregon Revised Statutes for further explanation.

**413.072 Public process required if waiver of federal requirement involves policy change.** (1) As used in this section, “policy change” includes any change in the operation of medical assistance programs that affects recipients adversely in any substantial manner, including but not limited to the denial, reduction, modification or delay of benefits. “Policy change” does not include any procedural change that affects internal management but does not adversely and substantially affect the interest of medical assistance recipients.

(2) The Oregon Health Authority may submit applications for waiver of federal statutory or regulatory requirements to the federal government or any agency of the federal government. Prior to the submission of any application for waiver that involves a policy change, and prior to implementation, the authority shall do the following:

(a) Conduct a public process regarding the application for waiver or application for waiver renewals;

(b) Prepare a complete summary of the testimony and written comments received during the public process;

(c) Submit the application for waiver or application for waiver renewals involving a policy change to the legislative review agency, as described in ORS 291.375, and present the summary of testimony and comments described in this section; and

(d) Give notice of the date of the authority’s appearance before the Emergency Board or the Joint Committee on Ways and Means in accordance with ORS 183.335, and before the Medicaid Advisory Committee. [2011 c.720 §94]

**Note:** See note under 413.071.

**413.075** [2009 c.595 §26; renumbered 741.381 in 2011]

**413.080** [Repealed by 1969 c.597 §281]

**413.090** [Amended by 1955 c.364 §7; 1961 c.620 §14; 1969 c.68 §7; 1971 c.779 §40; repealed by 2005 c.381 §30]

**413.100** [Amended by 1971 c.734 §44; 1971 c.779 §41; repealed by 2005 c.381 §30]

**FINANCIAL ADMINISTRATION**

**413.101 Oregon Health Authority Fund.** The Oregon Health Authority Fund is established in the State Treasury, separate and distinct from the General Fund. Interest earned by the Oregon Health Authority Fund shall be credited to the fund. Moneys in the fund are continuously appropriated to the Oregon Health Authority for carrying out the duties, functions and powers of the authority under ORS 413.032. [Formerly 413.031]

**Note:** 413.101 was added to and made a part of 413.006 to 413.042 by legislative action. See Preface to Oregon Revised Statutes for further explanation.

**413.105 Deposit of reimbursements received for medical assistance expenditures.** All sums of money recovered by or paid to the Oregon Health Authority as reimbursement for funds expended for medical assistance shall be paid into the Oregon Health Authority Fund established by ORS 413.101 and may be used for the provision and administration of medical assistance. However, the United States Government is entitled to a share of any amount received as its interest may appear, which shall be promptly paid to the United States Government. [2011 c.720 §46]

**Note:** 413.105 to 413.151 were enacted into law by the Legislative Assembly but were not added to or made a part of ORS chapter 413 or any series therein by legislative action. See Preface to Oregon Revised Statutes for further explanation.

**413.109 Acceptance and expenditures of funds received from private sources.** (1) The Oregon Health Authority may accept funds, money or other valuable things from relatives, corporations or interested persons or organizations for the care and support of needy persons and may expend the same for the care and support of the individual or individuals for whom the moneys were paid.

(2) The authority may accept from individuals, corporations and organizations contributions or gifts in cash or otherwise that shall be disbursed in the same manner as moneys appropriated for public assistance purposes, unless the donor of a gift stipulates a different manner in which a gift must be expended. Moneys received under this section shall be deposited with the State Treasurer in an account separate and distinct from the General Fund. Interest earned by the account shall be credited to the account. Moneys in the account are continuously appropriated to the department for the purposes specified in this section. [2011 c.720 §45]

**Note:** See note under 413.105.

**413.110** [Amended by 1955 c.381 §1; 1971 c.779 §42; repealed by 2005 c.381 §30]

**413.120** [Amended by 1955 c.381 §2; 1961 c.620 §15; 1965 c.43 §1; 1973 c.651 §9; 2005 c.22 §283; repealed by 2005 c.381 §30]

**413.121 Oregon Health Authority Special Checking Account.** (1) There is established an Oregon Health Authority Special Checking Account in the State Treasury. Upon the written request of the Director of the Oregon Health Authority, the Oregon Department of Administrative Services shall draw payments in favor of the authority to be charged against appropriations and other moneys available to the authority in the same manner as other claims against the state, as provided in ORS chapter 293. All such payments shall be deposited in the special checking account and may be disbursed by check or other means acceptable to the State Treasurer.

(2) The special checking account may be used for the purpose of paying the administrative expenses of programs and services as assigned to the authority by law, including the payment of expenses to be reimbursed by the federal government.

(3) In addition to funds authorized under ORS 293.180, the authority may establish petty cash funds out of the special checking account or any account established in the State Treasury for the authority. The authority may pay expenses using small cash disbursements from a petty cash fund. Periodically, the authority shall request reimbursement for disbursements made from a petty cash fund. Upon receipt of a reimbursement payment from an appropriate account, the authority shall use the payment to reimburse the petty cash fund. [2011 c.720 §37]

**Note:** See note under 413.105.

**413.125 Revolving fund.** (1) On written request of the Oregon Health Authority, the Oregon Department of Administrative Services shall draw warrants on amounts appropriated to the authority for operating expenses for use by the authority as a revolving fund. The revolving fund may not exceed the aggregate sum of \$100,000 including unreimbursed advances. The revolving fund shall be deposited with the State Treasurer to be held in a special account against which the authority may draw checks.

(2) The revolving fund may be used by the authority:

(a) To pay for or advance travel expenses for employees of the authority and for any consultants or advisers for whom payment of travel expenses is authorized by law;

(b) For purchases required from time to time; or

(c) For receipt or disbursement of federal funds available under federal law.

(3) All claims for reimbursement of amounts paid from the revolving fund must be approved by the authority and by the de-

partment. When such claims are approved, the department shall draw a warrant covering them against the appropriate fund or account in favor of the authority. The authority shall use the moneys to reimburse the revolving fund. [2011 c.720 §40]

**Note:** See note under 413.105.

**413.129 Aggregation of warrants and payments.** The Oregon Department of Administrative Services shall draw warrants in favor of the Oregon Health Authority for the aggregate amounts of the authority's expenses. The authority shall deposit the warrants in the State Treasury in a checking account in reimbursement of those expenses. The authority may draw its checks on the State Treasury in favor of the persons, firms, corporations, associations or counties entitled to payment under rules of the authority so as to include in single combined payments for specified periods all moneys allotted to particular payees from various sources for the period. [2011 c.720 §39]

**Note:** See note under 413.105.

**413.130** [Amended by 1961 c.620 §16; 1969 c.203 §6; repealed by 2005 c.381 §30]

**413.135 Combining and eliminating accounts.** Notwithstanding any other law, the Oregon Health Authority may, with the approval of the Oregon Department of Administrative Services and the State Treasurer, combine or eliminate any accounts that are established in statute and appropriated to the authority if economy and efficiency in operations can be obtained and the combination or elimination of accounts does not substantially alter the intent of the authorizing statutes. When accounts are combined, the Oregon Health Authority retains the authority granted by the statutes establishing the accounts. [2011 c.720 §38]

**Note:** See note under 413.105.

**413.140** [Amended by 1961 c.620 §17; 1969 c.203 §7; 2003 c.14 §186; repealed by 2005 c.381 §30]

**413.150** [Renumbered 413.025]

**413.151 Setoff of liquidated and delinquent debts.** Liquidated and delinquent debts owed to the Oregon Health Authority may be set off against amounts owed by the authority to the debtors. [2011 c.720 §43]

**Note:** See note under 413.105.

**413.160** [Amended by 1957 c.56 §3; 1971 c.779 §43; repealed by 2005 c.381 §30]

**413.165** [1965 c.556 §26; 1971 c.779 §44; 1973 c.823 §130; 2001 c.900 §99a; repealed by 2005 c.381 §30]

**413.170** [Amended by 1961 c.620 §18; 1969 c.203 §8; repealed by 2001 c.900 §261]

## COLLECTION, RETENTION AND DISCLOSURE OF RECORDS

**413.171 Sharing of data with Department of Human Services; rules.** (1) The Oregon Health Authority shall adopt and enforce rules governing the custody, use and preservation of the records, papers, files and communications of the authority in accordance with applicable privacy laws. The use of the records, papers, files and communications is limited to the purposes for which they are furnished and by the provisions of law under which they may be furnished.

(2) The records, papers, files and communications of the authority may be maintained in a single or combined data system accessible to the authority and to the Department of Human Services for the administration of programs and the coordination of functions shared by the authority and the department. [2011 c.720 §48]

**Note:** 413.171 and 413.175 were enacted into law by the Legislative Assembly but were not added to or made a part of ORS chapter 413 or any series therein by legislative action. See Preface to Oregon Revised Statutes for further explanation.

**413.175 Prohibition on disclosure of information; exceptions.** (1) For the protection of applicants for and recipients of public assistance, except as otherwise provided in this section, the Oregon Health Authority may not disclose or use the contents of any public assistance records, files, papers or communications for purposes other than those directly connected with the administration of the public assistance programs or necessary to assist public assistance applicants and recipients in accessing and receiving other governmental or private nonprofit services, and these records, files, papers and communications are considered confidential subject to the rules of the authority. In any judicial or administrative proceeding, except proceedings directly connected with the administration of public assistance or child support enforcement, their contents are considered privileged communications.

(2) Nothing in this section prohibits the disclosure or use of contents of records, files, papers or communications for purposes directly connected with the establishment and enforcement of support obligations pursuant to the Title IV-D of the Social Security Act.

(3) Nothing in this section prohibits the disclosure of the address, Social Security number and photograph of any applicant or recipient to a law enforcement officer at the request of the officer. To receive information pursuant to this section, the officer must furnish the agency the name of the applicant or recipient and advise that the applicant or recipient:

(a) Is fleeing to avoid prosecution, custody or confinement after conviction for a felony;

(b) Is violating a condition of probation or parole; or

(c) Has information that is necessary for the officer to conduct the official duties of the officer and the location or apprehension of the applicant or recipient is within such official duties.

(4) Nothing in this section prohibits disclosure of information between the authority and the Department of Human Services for the purpose of administering public assistance programs that the authority and the department are responsible for administering. [2011 c.720 §49]

**Note:** See note under 413.171.

**413.180** [Amended by 1961 c.620 §19; 1969 c.203 §9; 1971 c.779 §45; repealed by 2001 c.900 §261]

**413.190** [Renumbered 413.029]

**413.200** [Amended by 1955 c.444 §4; 1961 c.620 §20; subsection (2) enacted as 1961 c.620 §7; 1969 c.203 §10; 1971 c.455 §1; 1975 c.386 §3; 1985 c.522 §3; 1993 c.249 §4; 1995 c.664 §93; repealed by 2005 c.381 §30]

### HEALTH CARE DELIVERY SYSTEM CAPACITY

**413.201 Targeted outreach for Health Care for All Oregon Children program; grants to address health care access barriers.** (1) The Oregon Health Authority is responsible for statewide outreach and marketing of the Health Care for All Oregon Children program established in ORS 414.231 and administered by the authority and the Office of Private Health Partnerships with the goal of enrolling in those programs all eligible children residing in this state.

(2) To maximize the enrollment and retention of eligible children in the Health Care for All Oregon Children program, the authority shall develop and administer a grant program to provide funding to organizations and community based groups to deliver culturally specific and targeted outreach and direct application assistance to:

(a) Members of racial, ethnic and language minority communities;

(b) Children living in geographic isolation; and

(c) Children and family members with additional barriers to accessing health care, such as cognitive, mental health or sensory disorders, physical disabilities or chemical dependency, and children experiencing homelessness. [2009 c.867 §34; 2009 c.828 §57]

**413.210** [Repealed by 1953 c.500 §12]

**413.211** [1957 c.705 §2; renumbered 413.035]

**413.220** [Repealed by 2005 c.381 §30]

**413.225 Grants to safety net providers; evaluation of implementation of Health Care for All Oregon Children program; rules.** (1) As used in this section, "community health center or safety net clinic" means a nonprofit medical clinic or school-based health center that provides primary physical health, vision, dental or mental health services to low-income patients without charge or using a sliding scale based on the income of the patient.

(2) The Oregon Health Authority shall award grants to community health centers or safety net clinics to ensure the capacity of each grantee to provide health care services to underserved or vulnerable populations, within the limits of funds provided by the Legislative Assembly for this purpose.

(3) The authority shall provide outreach for the Health Care for All Oregon Children program, including development and administration of an application assistance program, and including grants to provide funding to organizations and local groups for outreach and enrollment activities for the program, within the limits of funds provided by the Legislative Assembly for this purpose.

(4) Notwithstanding subsections (2) and (3) of this section, the authority shall provide funds for expansion and continuation of school-based health centers.

(5) The authority shall by rule adopt criteria for awarding grants and providing funds under this section.

(6) The authority shall analyze and evaluate the implementation of the Health Care for All Oregon Children program. [2009 c.867 §33; 2009 c.828 §56]

**413.230** [Amended by 1961 c.620 §31; 1991 c.67 §106; repealed by 2005 c.381 §30]

**413.231 Recruitment of primary care providers.** The Oregon Health Authority, through the Health Care Workforce Committee created pursuant to ORS 413.017, shall work with interested parties, which may include Travel Oregon, the State Workforce Investment Board, medical schools, physician organizations, hospitals, county and city officials, local chambers of commerce, organizations that promote Oregon or local communities in Oregon, and organizations that recruit health care professionals, to develop a strategic plan for recruiting primary care providers to Oregon. The strategic plan must address:

(1) Best recruitment practices and existing recruitment programs;

(2) Development of materials and information promoting Oregon as a desirable place for primary care providers to live and work;

(3) Development of a pilot program to promote coordinated visiting and recruitment opportunities for primary care providers;

(4) Potential funding opportunities; and

(5) The best entities to implement the strategic plan. [2011 c.361 §1]

**Note:** 413.231 was enacted into law by the Legislative Assembly but was not added to or made a part of ORS chapter 413 or any series therein by legislative action. See Preface to Oregon Revised Statutes for further explanation.

**413.240** [1961 c.620 §30; 1969 c.203 §11; 2003 c.14 §187; repealed by 2005 c.381 §30]

**413.246 Information provided to retired physicians and health care providers.** The Oregon Health Authority, in consultation with the appropriate professional and trade associations and licensing boards, shall inform retired physicians and health care providers regarding ORS 30.302 and 30.792. [Formerly 409.740]

**Note:** 413.246 and 413.248 were enacted into law by the Legislative Assembly but were not added to or made a part of ORS chapter 413 or any series therein by legislative action. See Preface to Oregon Revised Statutes for further explanation.

**413.248 Physician Visa Waiver Program; rules; fees.** (1) The Physician Visa Waiver Program is established in the Oregon Health Authority. The purpose of the program is to make recommendations to the United States Department of State for a waiver of the foreign country residency requirement on behalf of foreign physicians holding visas who seek employment in federally designated shortage areas.

(2) A foreign physician who has completed a residency in the United States may apply to the authority for a recommendation for a waiver of the foreign country residency requirement in order to obtain employment in a federally designated shortage area in the state. Applications shall be on the forms of and contain the information requested by the authority. Each application shall be accompanied by the application fee.

(3) The authority reserves the right to recommend or decline to recommend any request for a waiver.

(4) The authority shall adopt rules necessary to implement and administer the program, including but not limited to adopting an application fee not to exceed the cost of administering the program. [Formerly 409.745]

**Note:** See note under 413.246.

**HEALTH CARE PRACTICES**

**413.250 Statewide Health Improvement Program.** (1) There is created in the Oregon Health Authority the Statewide Health Improvement Program to support evidence-based community efforts to prevent

chronic disease and reduce the utilization of expensive and invasive acute treatments. The program is composed of activities described in subsection (2) of this section.

(2)(a) The authority may, subject to funding, award one or more grants to support community-based primary and secondary prevention activities focused on chronic diseases, and in line with the goals of the Statewide Health Improvement Program.

(b) To receive a grant under this subsection, an applicant must submit a proposal that:

(A) Includes outside funding of at least 10 percent of the total funding required;

(B) Is developed with community input, including the input of communities most affected by health disparities;

(C) Involves a range of community partners, including a range of multicultural community providers;

(D) Is evidence-based;

(E) Reduces health disparities among populations; and

(F) Contains performance criteria and measurable outcomes to demonstrate, including for communities most affected by health disparities as well as for individuals who are participating in the community-based primary and secondary activity proposal, improvements in population health status and health education and a reduction of chronic disease risk factors. [2009 c.595 §1166]

**413.255 Cooperative research and demonstration projects for health and health care purposes.** In addition to its other powers, the Oregon Health Authority may:

(1) Enter into agreements with, join with or accept grants from the federal government for cooperative research and demonstration projects for health and health care purposes, including, but not limited to, any project that:

(a) Improves the lifelong health of Oregonians.

(b) Aids in effecting coordination of planning between private and public health and health care agencies of the state.

(c) Improves the administration and effectiveness of programs carried on or assisted by the authority.

(2) With the cooperation and the financial assistance of the federal government, train personnel employed or preparing for employment by the authority. The training may be carried out in any manner, including but not limited to:

(a) Directly by the authority.

(b) Indirectly through grants to public or other nonprofit institutions of learning or through grants of fellowships.

(c) Any other manner for which federal aid in support of the training is available.

(3) Subject to the allotment system provided for in ORS 291.234 to 291.260, expend the sums required to be expended for the programs and projects described in subsections (1) and (2) of this section. [2011 c.720 §47]

**Note:** 413.255 was enacted into law by the Legislative Assembly but was not added to or made a part of ORS chapter 413 or any series therein by legislative action. See Preface to Oregon Revised Statutes for further explanation.

**413.260 Patient centered primary care home health care delivery model.** (1) The Oregon Health Authority, in collaboration with health insurers and purchasers of health plans including the Public Employees' Benefit Board, the Oregon Educators Benefit Board and other members of the patient centered primary care home learning collaborative and the patient centered primary care home program advisory committee, shall:

(a) Develop, test and evaluate strategies that reward enrollees in publicly funded health plans for:

(A) Receiving care through patient centered primary care homes that meet the core attributes established in ORS 442.210;

(B) Seeking preventative and wellness services;

(C) Practicing healthy behaviors; and

(D) Effectively managing chronic diseases.

(b) Develop, test and evaluate community-based strategies that utilize community health workers to enhance the culturally competent and linguistically appropriate health services provided by patient centered primary care homes in underserved communities.

(2) The authority shall focus on patients with chronic health conditions in developing strategies under this section.

(3) The authority, in collaboration with the Public Employees' Benefit Board and the Oregon Educators Benefit Board, shall establish uniform standards for contracts with health benefit plans providing coverage to public employees to promote the provision of patient centered primary care homes, especially for enrollees with chronic medical conditions, that are consistent with the uniform quality measures established by the Office for Oregon Health Policy and Research under ORS 442.210 (1)(c).

(4) The standards established under subsection (3) of this section may direct health

benefit plans to provide incentives to primary care providers who serve vulnerable populations to partner with health-focused community-based organizations to provide culturally specific health promotion and disease management services. [2009 c.595 §1165]

### HEALTH INFORMATION TECHNOLOGY

**413.300 Definitions for ORS 413.300 to 413.308.** As used in ORS 413.300 to 413.308:

(1) "Electronic health exchange" means the electronic movement of health-related information among health care providers according to nationally recognized interoperability standards.

(2) "Electronic health record" means an electronic record of an individual's health-related information that conforms to nationally recognized interoperability standards and that can be created, managed and consulted by authorized clinicians and staff across more than one health care provider.

(3) "Health care provider" or "provider" means a person who is licensed, certified or otherwise authorized by law in this state to administer health care in the ordinary course of business or in the practice of a health care profession.

(4) "Health information technology" means an information processing application using computer hardware and software for the storage, retrieval, sharing and use of health care information, data and knowledge for communication, decision-making, quality, safety and efficiency of a clinical practice. "Health information technology" includes, but is not limited to:

(a) An electronic health exchange.

(b) An electronic health record.

(c) A personal health record.

(d) An electronic order from a provider for diagnosis, treatment or prescription drugs.

(e) An electronic decision support system used to:

(A) Assist providers in making clinical decisions by providing electronic alerts or reminders;

(B) Improve compliance with best health care practices;

(C) Promote regular screenings and other preventive health practices; or

(D) Facilitate diagnoses and treatments.

(f) Tools for the collection, analysis and reporting of information or data on adverse events, the quality and efficiency of care, patient satisfaction and other health care related performance measures.

(5) “Interoperability” means the capacity of two or more information systems to exchange information or data in an accurate, effective, secure and consistent manner.

(6) “Personal health record” means an individual’s electronic health record that conforms to nationally recognized interoperability standards and that can be drawn from multiple sources while being managed, shared and controlled by the individual. [2009 c.595 §1167]

**413.301 Health Information Technology Oversight Council.** (1) There is established a Health Information Technology Oversight Council within the Oregon Health Authority, consisting of 11 members appointed by the Governor.

(2) The term of office of each member is four years, but a member serves at the pleasure of the Governor. Before the expiration of the term of a member, the Governor shall appoint a successor whose term begins on January 1 next following. A member is eligible for reappointment. If there is a vacancy for any cause, the Governor shall make an appointment to become immediately effective for the unexpired term.

(3) The appointment of the Health Information Technology Oversight Council is subject to confirmation by the Senate in the manner prescribed in ORS 171.562 and 171.565.

(4) A member of the Health Information Technology Oversight Council is not entitled to compensation for services as a member, but is entitled to expenses as provided in ORS 292.495 (2). Claims for expenses incurred in performing the functions of the council shall be paid out of funds appropriated to the Oregon Health Authority for that purpose. [2009 c.595 §1168]

**Note:** Section 1169, chapter 595, Oregon Laws 2009, provides:

**Sec. 1169.** Notwithstanding the term of office specified by section 1168 of this 2009 Act [413.301], of the members first appointed to the Health Information Technology Oversight Council:

- (1) Two shall serve for terms ending January 1, 2011.
- (2) Three shall serve for terms ending January 1, 2012.
- (3) Three shall serve for terms ending January 1, 2013.
- (4) Three shall serve for terms ending January 1, 2014. [2009 c.595 §1169]

**413.302 Council membership.** The members of the Health Information Technology Oversight Council must be residents of this state from both the public and private sectors who are well informed in the areas of health information technology, health care delivery, health policy and health research. The membership must reflect the geographic

diversity of Oregon and must include consumers and providers of health care and privacy and information technology experts. [2009 c.595 §1170]

**413.303 Council chairperson; quorum; meetings.** (1) The Governor shall appoint one of the members of the Health Information Technology Oversight Council as chairperson and another as vice chairperson, for such terms and with such duties and powers necessary for the performance of the functions of those offices as the Governor determines.

(2) A majority of the members of the council constitutes a quorum for the transaction of business.

(3) The council shall meet at least quarterly at a place, day and hour determined by the council. The council may also meet at other times and places specified by the call of the chairperson or of a majority of the members of the council. [2009 c.595 §1172]

**413.306 Rules.** In accordance with applicable provisions of ORS chapter 183, the Health Information Technology Oversight Council may adopt rules necessary for the administration of the laws that the council is charged with administering. [2009 c.595 §1173]

**413.308 Duties of council.** The duties of the Health Information Technology Oversight Council are to:

- (1) Set specific health information technology goals and develop a strategic health information technology plan for this state.
- (2) Monitor progress in achieving the goals established in subsection (1) of this section and provide oversight for the implementation of the strategic health information technology plan.
- (3) Maximize the distribution of resources expended on health information technology across this state.
- (4) Create and provide oversight for a public-private purchasing collaborative or alternative mechanism to help small health care practices, primary care providers, rural providers and providers whose practices include a large percentage of medical assistance recipients to obtain affordable rates for high-quality electronic health records hardware, software and technical support for planning, installation, use and maintenance of health information technology.
- (5) Identify and select the industry standards for all health information technology promoted by the purchasing collaborative described in subsection (4) of this section, including standards for:
  - (a) Selecting, supporting and monitoring health information technology vendors, hard-

ware, software and technical support services; and

(b) Ensuring that health information technology applications have appropriate privacy and security controls and that data cannot be used for purposes other than patient care or as otherwise allowed by law.

(6) Enlist and leverage community resources to advance the adoption of health information technology.

(7) Educate the public and health care providers on the benefits and risks of information technology infrastructure investment.

(8) Coordinate health care sector activities that move the adoption of health information technology forward and achieve health information technology interoperability.

(9) Support and provide oversight for efforts by the Oregon Health Authority to implement a personal health records bank for medical assistance recipients and assess its potential to serve as a fundamental building block for a statewide health information exchange that:

(a) Ensures that patients' health information is available and accessible when and where they need it;

(b) Applies only to patients who choose to participate in the exchange; and

(c) Provides meaningful remedies if security or privacy policies are violated.

(10) Determine a fair, appropriate method to reimburse providers for their use of electronic health records to improve patient care, starting with providers whose practices consist of a large percentage of medical assistance recipients.

(11) Determine whether to establish a health information technology loan program and if so, to implement the program. [2009 c.595 §1171]

## HEALTH PROFESSIONALS

**413.430 Functions of Director of Oregon Health Authority regarding health professionals.** The Director of the Oregon Health Authority shall require each health licensing board in the Oregon Health Authority to maintain a register of the names and current addresses of all persons holding valid licenses, certificates of registration or other evidence of authority required to practice the occupation or profession, or operate the facility within the jurisdiction of such board and periodically, as the director may require, to file a copy of the register at the office of the authority. Any board that is authorized or required to distribute a register described in this section may collect a fee to cover the costs of publication, such fee to be

handled as other receipts of the board are handled. [Formerly 409.320]

**Note:** 413.430 was enacted into law by the Legislative Assembly but was not added to or made a part of ORS chapter 413 or any series therein by legislative action. See Preface to Oregon Revised Statutes for further explanation.

### 413.435 Administrative requirements for students in clinical training.

(1) The Oregon Health Authority, in collaboration with the State Workforce Investment Board, shall convene a work group to develop standards for administrative requirements for student placement in clinical training settings in Oregon. The work group may include representatives of:

(a) State education agencies;

(b) A public educational institution offering health care professional training;

(c) Independent or proprietary educational institutions offering health care professional training;

(d) An employer of health care professionals; and

(e) The Health Care Workforce Committee established under ORS 413.017.

(2)(a) The work group shall develop standards for:

(A) Drug screening;

(B) Immunizations;

(C) Criminal records checks;

(D) Health Insurance Portability and Accountability Act orientation; and

(E) Other standards as the work group deems necessary.

(b) The standards must apply to students of nursing and allied health professions. The standards may apply to students of other health professions.

(c) The standards must pertain to clinical training in settings including but not limited to hospitals and ambulatory surgical centers, as those terms are defined in ORS 442.015.

(3) The work group shall make recommendations on the standards developed under this section and the initial and ongoing implementation of the standards to the Oregon Health Policy Board established in ORS 413.006.

(4) The authority may establish by rule standards for student placement in clinical training settings that incorporate the standards developed under this section and approved by the Oregon Health Policy Board. [2011 c.136 §1]

**Note:** 413.435 was enacted into law by the Legislative Assembly but was not added to or made a part of ORS chapter 413 or any series therein by legislative action. See Preface to Oregon Revised Statutes for further explanation.

**Note:** Section 2, chapter 136, Oregon Laws 2011, provides:

**Sec. 2.** The Oregon Health Authority shall report on the progress of the work group convened under section 1 of this 2011 Act [413.435] to an interim legislative committee related to health on or before June 30, 2012. [2011 c.136 §2]

**WOMEN, INFANTS AND CHILDREN PROGRAM**

**413.500 Women, Infants and Children Program; rules; civil penalties.** (1) The Women, Infants and Children Program is established in the Oregon Health Authority. The purpose of the program is to serve as an adjunct to health care by providing nutritious food, nutrition education and counseling, health screening and referral services to pregnant and breast-feeding women and to infants and children in certain high-risk categories.

(2) The authority shall adopt:

(a) Standards and procedures to guide administration of the program by the state in conformity with federal requirements and to define the rights, responsibilities and legal procedures of program vendors; and

(b) Rules necessary to implement and carry out the provisions of this section.

(3)(a) In addition to any other penalty provided by law, the authority may assess a civil penalty against any person for violation of any rule of the authority relating to the Women, Infants and Children Program. The authority shall adopt by rule criteria for the amount of civil penalties to be assessed under this section.

(b) All penalties recovered under this section shall be deposited into the Oregon Health Authority Fund and credited to an account designated by the authority. Moneys deposited are appropriated continuously to the authority and shall be used only for the administration and enforcement of this section. [Formerly 409.600]

**Note:** 413.500 was enacted into law by the Legislative Assembly but was not added to or made a part of ORS chapter 413 or any series therein by legislative action. See Preface to Oregon Revised Statutes for further explanation.

**GAMBLING ADDICTION PROGRAMS**

**413.520 Gambling addiction programs in Oregon Health Authority; advisory committee.** (1) The Oregon Health Authority, in collaboration with county representatives, prior to January 1, 2000, shall develop a plan for the administration of the statewide gambling addiction programs and delivery of program services.

(2) The authority may appoint an advisory committee or designate an existing ad-

visory committee to make recommendations to the authority concerning:

(a) Performance standards and evaluation methodology;

(b) Fiscal reporting and accountability;

(c) Delivery of services; and

(d) A distribution plan for use of available funds.

(3) The distribution plan for the moneys available in the Problem Gambling Treatment Fund shall be based on performance standards.

(4) The authority may enter into an intergovernmental agreement or other contract for the delivery of services related to programs for the prevention and treatment of gambling addiction and other emotional and behavioral problems related to gambling.

(5) Before entering into an agreement or contract under subsection (4) of this section, the authority must consider the experience, performance and program capacity of those organizations currently providing services. [Formerly 409.430]

**Note:** 413.520 and 413.522 were enacted into law by the Legislative Assembly but were not added to or made a part of ORS chapter 413 or any series therein by legislative action. See Preface to Oregon Revised Statutes for further explanation.

**413.522 Problem Gambling Treatment Fund.**

(1) There is established in the State Treasury, separate and distinct from the General Fund, the Problem Gambling Treatment Fund. All moneys in the Problem Gambling Treatment Fund are continuously appropriated to the Oregon Health Authority to be expended for programs for the prevention and treatment of gambling addiction and other emotional and behavioral problems related to gambling and for the administration of the programs.

(2) The Problem Gambling Treatment Fund shall consist of:

(a) The net proceeds from the Oregon State Lottery allocated to the fund under ORS 461.549;

(b) Moneys appropriated to the fund by the Legislative Assembly; and

(c) Interest earnings on moneys in the fund. [Formerly 409.435]

**Note:** See note under 413.520.

**HEALTH CARE INTERPRETERS**

**413.550 Definitions for ORS 413.550 to 413.558.** As used in ORS 413.550 to 413.558:

(1) "Health care interpreter" means a person who is readily able to communicate with a person with limited English proficiency and to accurately translate the written or oral statements of the person with

limited English proficiency into English, and who is readily able to translate the written or oral statements of other persons into the language of the person with limited English proficiency.

(2) "Health care" means medical, surgical or hospital care or any other remedial care recognized by state law, including mental health care.

(3) "Person with limited English proficiency" means a person who, by reason of place of birth or culture, speaks a language other than English and does not speak English with adequate ability to communicate effectively with a health care provider. [Formerly 409.615]

**Note:** 413.550 to 413.560 were enacted into law by the Legislative Assembly but were not added to or made a part of ORS chapter 413 or any series therein by legislative action. See Preface to Oregon Revised Statutes for further explanation.

**413.552 Legislative findings and policy on health care interpreters.** (1) The Legislative Assembly finds that persons with limited English proficiency are often unable to interact effectively with health care providers. Because of language differences, persons with limited English proficiency are often excluded from health care services, experience delays or denials of health care services or receive health care services based on inaccurate or incomplete information.

(2) The Legislative Assembly further finds that the lack of competent health care interpreters among health care providers impedes the free flow of communication between the health care provider and patient, preventing clear and accurate communication and the development of empathy, confidence and mutual trust that is essential for an effective relationship between health care provider and patient.

(3) It is the policy of the Legislative Assembly that health care for persons with limited English proficiency be provided according to the guidelines established under the policy statement issued August 30, 2000, by the U.S. Department of Health and Human Services, Office for Civil Rights, entitled, "Title VI of the Civil Rights Act of 1964; Policy Guidance on the Prohibition Against National Origin Discrimination As It Affects Persons With Limited English Proficiency," and the 1978 Patient's Bill of Rights. [Formerly 409.617]

**Note:** See note under 413.550.

**413.554 Oregon Council on Health Care Interpreters.** (1) The Oregon Council on Health Care Interpreters is created in the Oregon Health Authority. The council shall consist of 25 members appointed as follows:

(a) The Governor shall appoint two members from each of the following groups:

(A) Consumers of medical services who are persons with limited English proficiency and who use health care interpreters;

(B) Educators who either teach interpreters or persons in related educational fields, or who train recent immigrants and persons with limited English proficiency;

(C) Persons with expertise and experience in administration or policymaking related to the development and operation of policies, programs or services related to interpreters, and who have familiarity with the rulings of the federal Office for Civil Rights concerning interpreter services for various institutions;

(D) Health care providers, consisting of one physician and one registered nurse, who utilize interpreter services regularly in their practice;

(E) Representatives of safety net clinics that predominantly serve persons with limited English proficiency; and

(F) Representatives of hospitals, health systems and health plans predominantly serving persons with limited English proficiency.

(b) The Governor shall appoint one representative from each of the following agencies and organizations after consideration of nominations by the executive authority of each:

(A) The Commission on Asian and Pacific Islander Affairs;

(B) The Commission on Black Affairs;

(C) The Commission on Hispanic Affairs;

(D) The Commission on Indian Services;

(E) The International Refugee Center of Oregon;

(F) The Oregon Judicial Department's Certified Court Interpreter program;

(G) The Commission for Women; and

(H) The Institute for Health Professionals of Portland Community College.

(c) The Director of the Oregon Health Authority shall appoint three members including:

(A) One member with responsibility for administering mental health programs;

(B) One member with responsibility for administering medical assistance programs; and

(C) One member with responsibility for administering public health programs.

(d) The Director of Human Services shall appoint:

(A) One member with responsibility for administering developmental disabilities programs; and

(B) One member with responsibility for administering programs for seniors and persons with disabilities.

(e) The membership of the council shall be appointed so as to be representative of the racial, ethnic, cultural, social and economic diversity of the people of this state.

(2) The term of a member shall be three years. A member may be reappointed.

(3) If there is a vacancy for any cause, the appointing authority shall make an appointment to become immediately effective for the unexpired term. The appointing authority may appoint a replacement for any member of the council who misses more than two consecutive meetings of the council. The newly appointed member shall represent the same group as the vacating member.

(4) The council shall select one member as chairperson and one member as vice chairperson, for such terms and with duties and powers as the council determines necessary for the performance of the functions of such offices.

(5) The council may establish such advisory and technical committees as it considers necessary to aid and advise the council in the performance of its functions. The committees may be continuing or temporary committees. The council shall determine the representation, membership, terms and organization of the committees and shall appoint committee members.

(6) A majority of the members of the council shall constitute a quorum for the transaction of business.

(7) Members of the council are not entitled to compensation, but at the discretion of the Director of the Oregon Health Authority may be reimbursed for actual and necessary travel and other expenses incurred by them in the performance of their official duties, subject to ORS 292.495.

(8) The council may accept contributions of funds and assistance from the United States Government or its agencies or from any other source, public or private, for purposes consistent with the purposes of the council.

(9) The Oregon Health Authority shall provide the council with such services and employees as the council requires to carry out its duties. [Formerly 409.619]

**Note:** See note under 413.550.

**413.556 Testing, qualification and certification standards for health care interpreters.** The Oregon Council on Health Care Interpreters shall work in cooperation with the Oregon Health Authority to:

(1) Develop testing, qualification and certification standards for health care inter-

preters for persons with limited English proficiency.

(2) Coordinate with other states to develop and implement educational and testing programs for health care interpreters.

(3) Examine operational and funding issues, including but not limited to the feasibility of developing a central registry and annual subscription mechanism for health care interpreters.

(4) Do all other acts as shall be necessary or appropriate under the provisions of ORS 413.550 to 413.558. [Formerly 409.621]

**Note:** See note under 413.550.

**413.558 Procedures for testing, qualifications and certification of health care interpreters; rules; fees.** (1) In consultation with the Oregon Council on Health Care Interpreters, the Oregon Health Authority shall by rule establish procedures for testing, qualification and certification of health care interpreters for persons with limited English proficiency, including but not limited to:

(a) Minimum standards for qualification and certification as a health care interpreter, including:

(A) Oral and written language skills in English and in the language for which health care interpreter qualification or certification is granted; and

(B) Formal education or training in medical terminology, anatomy and physiology, and medical ethics;

(b) Categories of expertise of health care interpreters based on the English and non-English skills and the medical terminology skills of the person seeking qualification or certification;

(c) Procedures for receiving applications and for examining applicants for qualification or certification;

(d) The content and administration of required examinations;

(e) The requirements and procedures for reciprocity of qualification and certification for health care interpreters qualified or certified in another state or territory of the United States; and

(f) Fees for application, examination, initial issuance, renewal and reciprocal acceptance of qualification or certification as a health care interpreter and for other fees deemed necessary by the authority.

(2) Any person seeking qualification or certification as a health care interpreter must submit an application to the authority. If the applicant meets the requirements for qualification or certification established by the authority under this section, the authority shall issue an annual certificate of quali-

fication or a certification to the health care interpreter. The authority shall collect a fee for the issuance of the certificate of qualification or the certification and for any required examinations in the amount established pursuant to subsection (1) of this section.

(3) The authority shall work with other states to develop educational and testing programs and procedures for the qualification and certification of health care interpreters.

(4) In addition to the requirements for qualification established under subsection (1) of this section, a person may be qualified as a health care interpreter only if the person:

(a) Is able to fluently interpret or translate the dialect, slang or specialized vocabulary of the non-English language for which qualification is sought;

(b) Has had at least 60 hours of health care interpreter training that includes anatomy and physiology and concepts of medical interpretation; and

(c) Has had practical experience as an intern with a practicing health care interpreter.

(5) A person may not use the title of "qualified health care interpreter" unless the person has met the requirements for qualification established under subsections (1) and (4) of this section and has been issued a valid certificate of qualification by the authority.

(6) In addition to the requirements for certification established under subsection (1) of this section, a person may be certified as a health care interpreter only if:

(a) The person has met all the requirements established under subsection (4) of this section; and

(b) The person has passed written and oral examinations required by the authority in English, in the non-English language the person wishes to translate and in medical terminology.

(7) A person may not use the title of "certified health care interpreter" unless the person has met the requirements for certification established under subsections (1) and (6) of this section and has been issued a valid certification by the authority. [Formerly 409.623]

**Note:** See note under 413.550.

**413.560 Moneys received credited to account in Oregon Health Authority Fund.** All moneys received by the Oregon Council on Health Care Interpreters under ORS 413.550 to 413.560 shall be paid into the Oregon Health Authority Fund and credited to an account designated by the authority. Such moneys shall be used only for the administration and enforcement of the pro-

visions of ORS 413.550 to 413.560. [Formerly 409.625]

**Note:** See note under 413.550.

## PAIN MANAGEMENT COMMISSION

**413.570 Pain Management Commission; duties; staffing.** (1) The Pain Management Commission is established within the Oregon Health Authority. The commission shall:

(a) Develop pain management recommendations;

(b) Develop ways to improve pain management services through research, policy analysis and model projects; and

(c) Represent the concerns of patients in Oregon on issues of pain management to the Governor and the Legislative Assembly.

(2) The pain management coordinator of the authority shall serve as staff to the commission. [Formerly 409.500]

**Note:** 413.570 to 413.599 were enacted into law by the Legislative Assembly but were not added to or made a part of ORS chapter 413 or any series therein by legislative action. See Preface to Oregon Revised Statutes for further explanation.

**413.572 Additional duties of commission.** (1) The Pain Management Commission shall:

(a) Develop a pain management education program curriculum and update it biennially.

(b) Provide health professional regulatory boards and other health boards, committees or task forces with the curriculum.

(c) Work with health professional regulatory boards and other health boards, committees or task forces to develop approved pain management education programs as required.

(d) Review the pain management curricula of educational institutions in this state that provide post-secondary education or training for persons required by ORS 413.590 to complete a pain management education program. The commission shall make recommendations about legislation needed to ensure that adequate information about pain management is included in the curricula reviewed and shall report its findings to the Legislative Assembly in the manner required by ORS 192.245 by January 1 of each odd-numbered year.

(2) As used in this section, "educational institution" has the meaning given that term in ORS 348.105. [Formerly 409.510]

**Note:** See note under 413.570.

**413.574 Membership of commission.** (1) The Pain Management Commission shall consist of 19 members as follows:

(a) Seventeen members shall be appointed by the Director of the Oregon Health Au-

thority. Prior to making appointments, the director shall request and consider recommendations from individuals and public and private agencies and organizations with experience or a demonstrated interest in pain management issues, including but not limited to:

(A) Physicians licensed under ORS chapter 677 or organizations representing physicians;

(B) Nurses licensed under ORS chapter 678 or organizations representing nurses;

(C) Psychologists licensed under ORS 675.010 to 675.150 or organizations representing psychologists;

(D) Physician assistants licensed under ORS chapter 677 or organizations representing physician assistants;

(E) Chiropractic physicians licensed under ORS chapter 684 or organizations representing chiropractic physicians;

(F) Naturopaths licensed under ORS chapter 685 or organizations representing naturopaths;

(G) Clinical social workers licensed under ORS 675.530 or organizations representing clinical social workers;

(H) Acupuncturists licensed under ORS 677.759;

(I) Pharmacists licensed under ORS chapter 689;

(J) Palliative care professionals or organizations representing palliative care professionals;

(K) Mental health professionals or organizations representing mental health professionals;

(L) Health care consumers or organizations representing health care consumers;

(M) Hospitals and health plans or organizations representing hospitals and health plans;

(N) Patients or advocacy groups representing patients;

(O) Dentists licensed under ORS chapter 679;

(P) Occupational therapists licensed under ORS 675.210 to 675.340;

(Q) Physical therapists licensed under ORS 688.010 to 688.201; and

(R) Members of the public.

(b) Two members shall be members of a legislative committee with jurisdiction over human services issues, one appointed by the President of the Senate and one appointed by the Speaker of the House of Representatives. Both members shall be nonvoting, ex officio members of the commission.

(2) The term of office of each member is four years, but a member serves at the pleasure of the appointing authority. Before the expiration of the term of a member, the appointing authority shall appoint a successor whose term begins on July 1 next following. A member is eligible for reappointment. If there is a vacancy for any cause, the appointing authority shall make an appointment to become immediately effective for the unexpired term.

(3) Members of the commission are not entitled to compensation or reimbursement for expenses and serve as volunteers on the commission. [Formerly 409.520]

**Note:** See note under 413.570.

**413.576 Selection of chairperson and vice chairperson; requirements for commission meetings.**

(1) The Director of the Oregon Health Authority shall select one member of the Pain Management Commission as chairperson and another as vice chairperson, for such terms and with duties and powers necessary for the performance of the functions of such offices as the director determines.

(2) A majority of the voting members of the commission constitutes a quorum for the transaction of business.

(3) The commission shall meet at least once every six months at a place, day and hour determined by the director. The commission also shall meet at other times and places specified by the call of the chairperson or of a majority of the members of the commission. [Formerly 409.530]

**Note:** See note under 413.570.

**413.580 Pain Management Fund.** There is established the Pain Management Fund in the Oregon Health Authority Fund established under ORS 413.101. All moneys credited to the Pain Management Fund are continuously appropriated for the purposes of ORS 413.570 to 413.599 to be expended by the Pain Management Commission established under ORS 413.570. [Formerly 409.540]

**Note:** See note under 413.570.

**413.582 Acceptance of contributions.**

The Pain Management Commission may accept contributions of funds and assistance from the United States Government or its agencies or from any other source, public or private, and agree to conditions thereon not inconsistent with the purposes of the commission. All such funds shall be deposited in the Pain Management Fund established in ORS 413.580 to aid in financing the duties, functions and powers of the commission. [Formerly 409.550]

**Note:** See note under 413.570.

**413.590 Pain management education required of certain licensed health care professionals; duties of Oregon Medical Board; rules.**

(1) A physician assistant licensed under ORS chapter 677, a nurse licensed under ORS chapter 678, a psychologist licensed under ORS 675.010 to 675.150, a chiropractic physician licensed under ORS chapter 684, a naturopath licensed under ORS chapter 685, an acupuncturist licensed under ORS 677.759, a pharmacist licensed under ORS chapter 689, a dentist licensed under ORS chapter 679, an occupational therapist licensed under ORS 675.210 to 675.340 and a physical therapist licensed under ORS 688.010 to 688.201 must complete one pain management education program described under ORS 413.572.

(2) The Oregon Medical Board, in consultation with the Pain Management Commission, shall identify by rule physicians licensed under ORS chapter 677 who, on an ongoing basis, treat patients in chronic or terminal pain and who must complete one pain management education program established under ORS 413.572. The board may identify by rule circumstances under which the requirement under this section may be waived. [Formerly 409.560]

**Note:** See note under 413.570.

**413.592 Completion of pain management education program.** A person required to complete one pain management education program established under ORS 413.572 shall complete the program:

(1) Within 24 months of January 2, 2006;

(2) Within 24 months of the first renewal of the person's license after January 2, 2006; or

(3) For a physician assistant for whom an application under ORS 677.510 has been approved before January 2, 2006, within 24 months after January 2, 2006. [Formerly 409.565]

**Note:** See note under 413.570.

**413.599 Rules.** In accordance with applicable provisions of ORS chapter 183, the Pain Management Commission may adopt rules necessary to implement ORS 413.570 to 413.599. [Formerly 409.570]

**Note:** See note under 413.570.

## MISCELLANEOUS

**413.800 Emergency planning.** (1) As used in this section:

(a) "Adult foster home" has the meaning given that term in ORS 443.705.

(b) "Health care facility" has the meaning given that term in ORS 442.015.

(c) "Residential facility" has the meaning given that term in ORS 443.400.

(2) Every adult foster home, health care facility and residential facility licensed or registered by the Oregon Health Authority shall:

(a) Adopt a plan to provide for the safety of persons who are receiving care at or are residents of the home or facility in the event of an emergency that requires immediate action by the staff of the home or facility due to conditions of imminent danger that pose a threat to the life, health or safety of persons who are receiving care at or are residents of the home or facility; and

(b) Provide training to all employees of the home or facility about the responsibilities of the employees to implement the plan required by this section.

(3) The authority shall adopt by rule the requirements for the plan and training required by this section. The rules adopted shall include, but are not limited to, procedures for the evacuation of the persons who are receiving care at or are residents of the adult foster home, health care facility or residential facility to a place of safety when the conditions of imminent danger require relocation of those persons. [2011 c.720 §41]

**Note:** 413.800 and 413.850 were enacted into law by the Legislative Assembly but were not added to or made a part of ORS chapter 413 or any series therein by legislative action. See Preface to Oregon Revised Statutes for further explanation.

**413.850 Disclosure of information about cremated remains.**

(1) As used in this section, "family member" means any individual related by blood, marriage or adoption to a person whose cremated remains are in the possession of the Oregon Health Authority.

(2) Notwithstanding any other provision of law, the authority shall disclose to the general public the name and the dates of birth and death of a person whose cremated remains are in the possession of the authority for the purpose of:

(a) Giving a family member of the person an opportunity to claim the cremated remains; or

(b) Creating a memorial for those persons whose cremated remains are not claimed.

(3) If an individual contacts the authority to determine whether the authority is in possession of the cremated remains of a family member of the individual and the authority determines that the authority is in possession of the cremated remains, the authority shall disclose to the individual that the authority is in possession of the cremated remains and offer the individual the opportunity to claim the remains. [2011 c.720 §42]

**Note:** See note under 413.800.

**Note:** Section 20, chapter 595, Oregon Laws 2009, provides:

**Sec. 20. Transfer of duties, functions and powers to Oregon Health Authority.** On or before January 2, 2014, the Department of Human Services and the Oregon Health Authority may delegate to each other any duties, functions or powers transferred by section

19, chapter 595, Oregon Laws 2009, that the department or the authority deems necessary for the efficient and effective operation of their respective functions. [2009 c.595 §20; 2011 c.720 §224]

**413.990** [Repealed by 1953 c.500 §12]

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