

HOUSE AMENDMENTS TO A-ENGROSSED HOUSE BILL 4017

By JOINT COMMITTEE ON WAYS AND MEANS

February 26

1 On page 1 of the printed A-engrossed bill, line 2, after “678.038” insert “and sections 3 and 5,
2 chapter 575, Oregon Laws 2015”.

3 On page 3, after line 17, insert:

4 **“SECTION 3. Notwithstanding any other law limiting expenditures, the amount of**
5 **\$415,000 is established for the biennium beginning July 1, 2015, as the maximum limit for**
6 **payment of expenses for carrying out the provisions of sections 1 and 2 of this 2016 Act, from**
7 **fees, moneys or other revenues, including Miscellaneous Receipts, but excluding lottery funds**
8 **and federal funds, collected or received by the Department of Consumer and Business Ser-**
9 **vices.**

10 **“SECTION 4. Section 5 of this 2016 Act is added to and made a part of ORS chapter 414.**

11 **“SECTION 5. (1) As used in this section:**

12 **“(a) ‘Approved clinical trial’ has the meaning given that term in ORS 743A.192.**

13 **“(b) ‘Routine health care’:**

14 **“(A) Means the types and extent of health care and services that the Oregon Health**
15 **Authority requires to be provided in medical assistance in accordance with ORS 414.065.**

16 **“(B) Does not include:**

17 **“(i) The drug, device or service being tested in an approved clinical trial, unless a coor-**
18 **ordinated care organization would provide or pay for the drug, device or service if provided to**
19 **a member who is not enrolled in an approved clinical trial;**

20 **“(ii) Items or services required solely for the provision of the drug, device or service**
21 **being tested in an approved clinical trial;**

22 **“(iii) Items or services required solely for the clinically appropriate monitoring of the**
23 **drug, device or service being tested in an approved clinical trial;**

24 **“(iv) Items or services that are provided solely to satisfy data collection and analysis**
25 **needs associated with an approved clinical trial and that are not used in the direct clinical**
26 **management of the member; or**

27 **“(v) Items or services customarily provided by a clinical trial sponsor free of charge to**
28 **any participant in an approved clinical trial.**

29 **“(2) A coordinated care organization may not discriminate against a member on the basis**
30 **of the member’s participation in an approved clinical trial by:**

31 **“(a) Denying the provision of or payment for routine health care; or**

32 **“(b) Excluding, limiting or imposing additional conditions on the provision of or payment**
33 **for routine health care furnished in connection with the member’s participation in an ap-**
34 **proved clinical trial.**

35 **“(3) A coordinated care organization that provides routine health care to a member en-**

1 **rolled in an approved clinical trial is not, based on the provision of that care, liable for any**
2 **adverse effects of the approved clinical trial.”.**

3 In line 18, delete “3” and insert “6”.

4 After line 23, insert:

5 “**SECTION 7.** Section 3, chapter 575, Oregon Laws 2015, is amended to read:

6 “**Sec. 3.** No later than February 1[, 2016,] **of each year,** the Oregon Health Authority and the
7 Department of Consumer and Business Services shall report to the Legislative Assembly, in the
8 manner provided in ORS 192.245:

9 “(1) The percentage of the medical expenses of carriers, coordinated care organizations, the
10 Public Employees’ Benefit Board and the Oregon Educators Benefit Board that is allocated to pri-
11 mary care; and

12 “(2) How carriers, coordinated care organizations, the Public Employees’ Benefit Board and the
13 Oregon Educators Benefit Board pay for primary care.

14 “**SECTION 8.** Section 5, chapter 575, Oregon Laws 2015, is amended to read:

15 “**Sec. 5. (1)** Sections 1, [to] **2 and 4,** [of this 2015 Act] **chapter 575, Oregon Laws 2015,** are
16 repealed on December 31, 2018.

17 “**(2) Section 3, chapter 575, Oregon Laws 2015, is repealed on January 2, 2020.”.**

18 In line 24, delete “4” and insert “9”.

19