

Senate Bill 796

Sponsored by Senator GELSER; Senator MONNES ANDERSON, Representatives GREENLICK, KENY-GUYER

SUMMARY

The following summary is not prepared by the sponsors of the measure and is not a part of the body thereof subject to consideration by the Legislative Assembly. It is an editor's brief statement of the essential features of the measure **as introduced**.

Makes period of absence for donation of body part, organ or tissue "serious health condition" for which family leave may be taken.

Makes unlawful for insurer that offers life insurance, health insurance or long term care insurance to discriminate against or decline or limit insurance coverage for insurance applicant or insured who is living donor of body part, organ or tissue, or to prohibit applicant or insured from donating body part, organ or tissue as condition of receiving or continuing to receive coverage.

A BILL FOR AN ACT

1
2 Relating to benefit protection for living organ donors; creating new provisions; and amending ORS
3 659A.150.

4 **Be It Enacted by the People of the State of Oregon:**

5 **SECTION 1.** ORS 659A.150 is amended to read:

6 659A.150. As used in ORS 659A.150 to 659A.186:

7 (1) "Covered employer" means an employer described in ORS 659A.153.

8 (2) "Eligible employee" means any employee of a covered employer other than those employees
9 exempted under the provisions of ORS 659A.156.

10 (3) "Family leave" means a leave of absence described in ORS 659A.159, except that "family
11 leave" does not include leave taken by an eligible employee who is unable to work because of a
12 disabling compensable injury, as defined in ORS 656.005, under ORS chapter 656.

13 (4) "Family member" means the spouse of an employee, the biological, adoptive or foster parent
14 or child of the employee, the grandparent or grandchild of the employee, a parent-in-law of the em-
15 ployee or a person with whom the employee was or is in a relationship of in loco parentis.

16 (5) "Health care provider" means:

17 (a) A person who is primarily responsible for providing health care to an eligible employee or
18 a family member of an eligible employee, who is performing within the scope of the person's pro-
19 fessional license or certificate and who is:

20 (A) A physician licensed under ORS chapter 677;

21 (B) A physician assistant licensed under ORS 677.505 to 677.525;

22 (C) A dentist licensed under ORS 679.090;

23 (D) A psychologist licensed under ORS 675.030;

24 (E) An optometrist licensed under ORS 683.070;

25 (F) A naturopath licensed under ORS 685.080;

26 (G) A registered nurse licensed under ORS 678.050;

27 (H) A nurse practitioner certified under ORS 678.375;

28 (I) A direct entry midwife licensed under ORS 687.420;

29 (J) A licensed registered nurse who is certified by the Oregon State Board of Nursing as a nurse

NOTE: Matter in **boldfaced** type in an amended section is new; matter *[italic and bracketed]* is existing law to be omitted. New sections are in **boldfaced** type.

1 midwife nurse practitioner;

2 (K) A regulated social worker authorized to practice regulated social work under ORS 675.510
3 to 675.600; or

4 (L) A chiropractic physician licensed under ORS 684.054, but only to the extent the chiropractic
5 physician provides treatment consisting of manual manipulation of the spine to correct a subluxation
6 demonstrated to exist by X-rays.

7 (b) A person who is primarily responsible for the treatment of an eligible employee or a family
8 member of an eligible employee solely through spiritual means, including but not limited to a
9 Christian Science practitioner.

10 (6) "Serious health condition" means:

11 (a) An illness, injury, impairment or physical or mental condition that requires inpatient care
12 in a hospital, hospice or residential medical care facility;

13 (b) An illness, disease or condition that in the medical judgment of the treating health care
14 provider poses an imminent danger of death, is terminal in prognosis with a reasonable possibility
15 of death in the near future, or requires constant care; [or]

16 (c) Any period of disability due to pregnancy, or period of absence for prenatal care[.]; or

17 (d) **Any period of absence for the donation of a body part, organ or tissue, including**
18 **preoperative or diagnostic services, surgery, post-operative treatment and recovery.**

19 **SECTION 2. Section 3 of this 2019 Act is added to and made a part of the Insurance Code.**

20 **SECTION 3. An insurer offering a policy or certificate of life insurance, health insurance**
21 **or long term care insurance, as defined in ORS 743.652, may not, based solely on the status**
22 **of an applicant for insurance or an insured as a living donor or a potential donor of a body**
23 **part, organ or tissue:**

24 (1) **Discriminate in the application of its underwriting standards or rates;**

25 (2) **Decline to provide coverage or limit coverage; or**

26 (3) **Prohibit an applicant for insurance or an insured from donating a body part, organ**
27 **or tissue as a condition of receiving or continuing to receive coverage.**

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