

D R A F T

SUMMARY

Digest: The Act changes the health care volunteer registry known as SERV-OR. The Act allows more types of people to join and allows for the use of volunteers outside of a declared emergency. (Flesch Readability Score: 63.6).

Modifies laws governing the emergency health care provider registry to allow a broader range of volunteer services and allow deployment of volunteers outside of declared emergencies.

Requires the Oregon Health Authority to provide workers' compensation coverage for volunteers who provide services in other states pursuant to certain interstate agreements.

A BILL FOR AN ACT

1
2 Relating to a volunteer registry; amending ORS 401.651, 401.654, 401.655,
3 401.657, 401.658, 401.661, 401.664, 401.667, 431A.015 and 656.047.

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

5 **SECTION 1.** ORS 401.651 is amended to read:

6 401.651. As used in ORS 401.651 to 401.670:

7 (1) "Health care facility" means a health care facility as defined in ORS
8 442.015 that has been licensed under ORS chapter 441.

9 (2) "Health care provider" means[:]

10 [(a)] an individual licensed, certified or otherwise authorized or permitted
11 by the laws of this state or another state to administer health care services
12 in the ordinary course of business or practice of a profession[; and]

13 [(b) *A person entered in the emergency health care provider registry under*
14 *ORS 401.658*].

15 **(3)(a) "Health care worker" means an individual who is not a health**

1 **care provider but who works directly with patients or health care**
2 **providers to prevent, diagnose, treat or manage diseases or illnesses.**

3 **(b) “Health care worker” includes, without limitation, allied health**
4 **professionals, psychiatric and home health aides, occupational therapy**
5 **and physical therapist assistants and aides, dental, medical, nursing**
6 **and veterinary assistants, phlebotomists, medical transcriptionists,**
7 **medical equipment preparers and medical interpreters.**

8 [(3)] (4) “Health professional regulatory board” means a health profes-
9 sional regulatory board, as defined in ORS 676.160, the Long Term Care Ad-
10 ministrators Board, the Board of Licensed Dietitians and the Behavior
11 Analysis Regulatory Board.

12 **(5) “Other health care personnel” means an individual who is not**
13 **a health care provider or health care worker, and who works to enable**
14 **the provision of health care or public health services, including med-**
15 **ical or nonmedical operations support, management or administration.**

16 **SECTION 2.** ORS 401.654 is amended to read:

17 401.654. (1) The Oregon Health Authority may establish [*an emergency*
18 *health care provider*] **a volunteer** registry that includes [*emergency*] health
19 care providers, **health care workers and other health care personnel** who
20 are available to provide health care, **public health and supportive** services
21 [*during an emergency or crisis*] **on a voluntary basis.** As a condition of
22 inclusion in the registry, the authority may require:

23 (a) Training related to the provision of health care, **public health or**
24 **other** services [*in an emergency or crisis*] as a condition of registration;
25 [*and*]

26 (b) Criminal background checks for applicants and persons who have been
27 registered[.]; **and**

28 **(c) Screenings of physical health, emotional health or immunization**
29 **status in order to collect information about baseline status, support**
30 **assignment to appropriate duties and support interpretation of possible**
31 **post-deployment adverse effects.**

1 (2) The authority [*shall*] **may** issue identification cards to [*health care*
2 *providers*] **individuals** entered in the [*emergency health care provider*] regis-
3 try established under this section that:

4 (a) Identify the [*health care provider*] **individual**;

5 (b) Indicate that the [*health care provider*] **individual** is registered [*as an*
6 *Oregon emergency health care provider*] **in the registry established under**
7 **this section**;

8 (c) Identify [*the*] **any** license or certification held by the [*health care*
9 *provider*] **individual**, or previously held by the [*health care provider*] **indi-**
10 **vidual** if the [*health care provider*] **individual** is entered in the [*emergency*
11 *health care provider*] registry [*under*] **pursuant to** ORS 401.658; and

12 (d) Identify the [*health care provider's*] **individual's** usual area of prac-
13 tice, and the types of [*health care*] **services** that the [*health care provider*]
14 **individual** is authorized to provide, if that information is available and the
15 authority determines that it is appropriate to provide that information.

16 (3) The authority by rule [*shall*] **may** establish a form for identification
17 cards issued under subsection (2) of this section.

18 (4) The authority shall support and provide assistance to the Oregon De-
19 partment of Emergency Management in emergencies or crises involving the
20 public health or requiring emergency medical response.

21 (5) The authority may enter into agreements with other states to facilitate
22 the registry of out-of-state health care providers, **health care workers or**
23 **other health care personnel** in the [*emergency health care provider*] registry
24 established under this section.

25 **SECTION 3.** ORS 401.655 is amended to read:

26 401.655. [*During a state of emergency declared under ORS 401.165 or a state*
27 *of public health emergency declared under ORS 433.441*] **Subject to the di-**
28 **rection of the Oregon Health Authority**, a health care provider who is
29 licensed, certified or otherwise authorized or permitted by the laws of an-
30 other state to administer health care services and who is registered under
31 ORS 401.654 may administer health care services in this state as if the health

1 care provider were licensed in this state.

2 **SECTION 4.** ORS 401.657 is amended to read:

3 401.657. (1) The Oregon Health Authority may designate all or part of a
4 health care facility or other location as [*an emergency health care center*] **a**
5 **temporary public health center**. [*If the Governor declares a state of emer-*
6 *gency under ORS 401.165, or declares a state of public health emergency under*
7 *ORS 433.441, emergency health care centers*] **At the direction of the Oregon**
8 **Health Authority, temporary public health centers** may be used for:

9 (a) Evaluation and referral of individuals affected by [*the*] **a crisis or**
10 emergency;

11 (b) Provision of health care services; and

12 (c) Preparation of patients for transportation.

13 (2) The Oregon Health Authority may enter into cooperative agreements
14 with a local public health authority, as defined in ORS 431.003, that allow
15 the local public health authority to designate [*emergency health care*
16 *centers*] **temporary public health centers** under this section.

17 (3) [*An emergency health care center*] **A temporary public health center**
18 designated under this section must have [*an emergency*] **a volunteer** oper-
19 ations plan and a credentialing plan that governs the use of [*emergency*
20 *health care providers*] **individuals** registered under ORS 401.654 and [*other*]
21 health care providers who volunteer to perform health care services at the
22 center under ORS 401.651 to 401.670. The [*emergency*] **volunteer** operations
23 plan and credentialing plan must comply with rules governing those plans
24 adopted by the Oregon Health Authority.

25 **SECTION 5.** ORS 401.658 is amended to read:

26 401.658. (1) The Oregon Health Authority may include in the [*emergency*
27 *health care provider*] registry established under ORS 401.654 a person who
28 was previously licensed, certified or otherwise authorized to provide health
29 care services in Oregon by a health professional regulatory board if:

30 (a) The person was licensed, certified or otherwise authorized to provide
31 health care services not more than 10 years before entry in the registry; and

1 (b) The person meets such other criteria as may be established by the
2 authority.

3 (2) Notwithstanding any other law prohibiting a person from providing
4 health care services without a license, certificate or other authorization from
5 a health professional regulatory board, a person entered in the [*emergency*
6 *health care provider*] registry under subsection (1) of this section may provide
7 health care services [*during a state of emergency declared under ORS 401.165*
8 *or a state of public health emergency declared under ORS 433.441*] without a
9 license, certification or other authorization if:

10 (a) The person is in compliance with all rules adopted by the authority
11 for persons providing health care services under this section; and

12 (b) The authority has directed the person to provide health care services
13 under ORS 401.661 (1).

14 (3) The authority may adopt rules, after consulting with the appropriate
15 health professional regulatory boards, that establish criteria and require-
16 ments for including persons in the [*emergency health care provider*] registry
17 under this section, including but not limited to:

18 (a) Educational requirements;

19 (b) Training requirements;

20 (c) Verification of previous licenses, certifications or other authorization
21 by a health professional regulatory board;

22 (d) Verification that the previous licenses, certifications or other author-
23 ization of the person was not revoked by reason of unprofessional conduct
24 or any other reason that would affect the person's ability to safely provide
25 health care services; and

26 (e) Limitations on the type of health care services that may be provided
27 by the person under this section and the places at which those services may
28 be provided.

29 **SECTION 6.** ORS 401.661 is amended to read:

30 401.661. [*If the Governor declares a state of emergency under ORS 401.165*
31 *or declares a state of public health emergency under ORS 433.441:*]

1 (1) The Oregon Health Authority, in conjunction with the Department of
 2 Human Services for facilities licensed by the department, may direct [*emer-*
 3 *gency health care providers*] **individuals** registered under ORS 401.654 who
 4 are willing to provide [*health care*] **volunteer** services to proceed to any
 5 place in this state where [*health care*] **such** services are required [*by reason*
 6 *of the emergency or crisis*];.

7 (2) Pursuant to the Emergency Management Assistance Compact and the
 8 Pacific Northwest Emergency Management Arrangement, the Oregon Health
 9 Authority may direct [*emergency health care providers*] **individuals** regis-
 10 tered under ORS 401.654 who are willing to provide [*health care*] **volunteer**
 11 services in another state to proceed to another state where [*emergency health*
 12 *care*] **such** services are required by reason of an emergency in that state[;
 13 *and*].

14 (3) Any [*emergency health care provider*] **individual** registered under ORS
 15 401.654 or [*other*] **any** health care provider may volunteer to perform [*health*
 16 *care*] services described in ORS 401.657 at any [*emergency health care*
 17 *center*] **temporary public health center designated under ORS 401.657**,
 18 or health care facility, in the manner provided by ORS 401.664.

19 **SECTION 7.** ORS 401.664 is amended to read:

20 401.664. (1) [*Emergency health care providers*] **Individuals** registered under
 21 ORS 401.654 and [*other*] health care providers who volunteer to perform
 22 [*health care*] services under ORS 401.651 to 401.670 must provide those ser-
 23 vices in accordance with the [*emergency*] **volunteer** operations plan and
 24 credentialing plan adopted by the [*emergency health care center*] **temporary**
 25 **public health center** or [*by*] the health care facility at which the services
 26 are rendered.

27 (2) [*An emergency health care center*] **A temporary public health center**
 28 or health care facility may determine the services to be provided by any
 29 [*emergency health care provider*] **individual** registered under ORS 401.654 or
 30 [*other*] **any** health care provider who volunteers to perform health care ser-
 31 vices under ORS 401.651 to 401.670.

1 **SECTION 8.** ORS 401.667 is amended to read:

2 401.667. (1) *[If the Governor declares a state of emergency under ORS*
3 *401.165, or declares a state of public health emergency under ORS 433.441,*
4 *emergency health care providers]* **Individuals** registered under ORS 401.654
5 and *[other]* health care providers who volunteer to perform health care ser-
6 vices under ORS 401.651 to 401.670 are agents of the state under ORS 30.260
7 to 30.300 for the purposes of any claims arising out of services that are
8 provided under ORS 401.651 to 401.670 pursuant to directions from a public
9 body and that are within the course and scope of the *[health care*
10 *provider's]* **individual's** duties, without regard to whether the *[health care*
11 *provider]* **individual** is compensated for the services.

12 (2) *[If the Governor declares a state of emergency under ORS 401.165, or*
13 *declares a state of public health emergency under ORS 433.441, health care*
14 *facilities designated under ORS 401.657 and other persons operating emergency*
15 *health care centers designated under ORS 401.657]* **Temporary public health**
16 **centers designated under ORS 401.657, operators of temporary public**
17 **health centers and other health care facilities** are agents of the state
18 under ORS 30.260 to 30.300 for the purposes of any claims arising out of
19 services that are provided through those centers or facilities under ORS
20 401.651 to 401.670 pursuant to directions from a public body and that are
21 within the course and scope of the duties of the *[health care facility or other*
22 *person]* **centers, operators or facilities**, without regard to whether the
23 *[health care facility or other person is]* **centers, operators or facilities are**
24 compensated for the services.

25 (3) An *[emergency health care provider]* **individual** registered under ORS
26 401.654 participating in training authorized by the Oregon Health Authority
27 under ORS 401.651 to 401.670 is an agent of the state under ORS 30.260 to
28 30.300 for the purposes of any claims arising out of that training.

29 (4) The provisions of subsection (2) of this section apply only to *[emer-*
30 *gency health care centers]* **temporary public health centers** or health care
31 facilities that have adopted *[emergency]* **volunteer** operations plans and

1 credentialing plans that govern the use of [*emergency health care providers*]
2 **individuals** registered under ORS 401.654 and [*other*] health care providers
3 who volunteer to perform health care services under ORS 401.651 to 401.670.
4 [*An emergency*] **A volunteer** operations plan and a credentialing plan must
5 comply with rules governing those plans adopted by the authority.

6 **SECTION 9.** ORS 656.047 is amended to read:

7 656.047. (1) The Oregon Health Authority shall provide workers' compen-
8 sation coverage for [*volunteer emergency health care providers*] **individuals**
9 registered under ORS 401.654 who are injured in the course and scope of
10 performing [*emergency health care*] **volunteer** services if the injury occurs:

11 (a) While the [*volunteer*] **individual** is performing [*health care*] services
12 at the direction of the authority under ORS 401.661; [*or*]

13 (b) While the [*volunteer*] **individual** is engaged in training being con-
14 ducted or approved by the authority for the purpose of preparing the [*vol-*
15 *unteer*] **individual** to perform [*emergency health care*] services[.]; **or**

16 (c) **While the individual is performing services at the direction of**
17 **the authority, pursuant to the Emergency Management Assistance**
18 **Compact and the Pacific Northwest Emergency Management Ar-**
19 **angement, in another state where such services are required by rea-**
20 **son of an emergency in that state.**

21 (2) Workers' compensation coverage shall be provided under this section
22 in the manner provided by ORS 656.039.

23 **SECTION 10.** ORS 431A.015 is amended to read:

24 431A.015. (1) Unless the Governor has declared a public health emergency
25 under ORS 433.441, the Public Health Director may, upon approval of the
26 Governor or the designee of the Governor, take the public health actions
27 described in subsection (2) of this section if the Public Health Director de-
28 termines that:

29 (a)(A) A communicable disease, reportable disease, disease outbreak, epi-
30 demic or other condition of public health importance has affected more than
31 one county;

1 (B) There is an immediate need for a consistent response from the state
2 in order to adequately protect the public health;

3 (C) The resources of the local public health authority or authorities are
4 likely to be quickly overwhelmed or unable to effectively manage the re-
5 quired response; and

6 (D) There is a significant risk to the public health; or

7 (b) A communicable disease, reportable disease, disease outbreak, epi-
8 demic or other condition of public health importance is reported in Oregon
9 and is an issue of significant regional or national concern or is an issue for
10 which there is significant involvement from federal authorities requiring
11 state-federal coordination.

12 (2) The Public Health Director, after making the determinations required
13 under subsection (1) of this section, may take the following public health
14 actions:

15 (a) Coordinate the public health response across jurisdictions.

16 (b) Prescribe measures for the:

17 (A) Identification, assessment and control of the communicable disease
18 or reportable disease, disease outbreak, epidemic or other condition of public
19 health importance; and

20 (B) Allocation and distribution of antitoxins, serums, vaccines,
21 immunizing agents, antibiotics, antidotes and other pharmaceutical agents,
22 medical supplies or personal protective equipment.

23 (c) After consultation with appropriate medical experts, create and re-
24 quire the use of diagnostic and treatment guidelines and provide notice of
25 those guidelines to health care providers, institutions and facilities.

26 (d) Require a person to obtain treatment and use appropriate prophylactic
27 measures to prevent the introduction or spread of a communicable disease
28 or reportable disease, unless:

29 (A) The person has a medical diagnosis for which a vaccination is
30 contraindicated; or

31 (B) The person has a religious or conscientious objection to the required

1 treatments or prophylactic measures.

2 (e) Notwithstanding ORS 332.075, direct a district school board to close
3 a children's facility or school under the jurisdiction of the board. The au-
4 thority granted to the Public Health Director under this paragraph super-
5 sedes the authority granted to the district school board under ORS 332.075
6 to the extent the authority granted to the board is inconsistent with the
7 authority granted to the director.

8 (f) Issue guidelines for private businesses regarding appropriate work re-
9 strictions.

10 (g) Organize public information activities regarding the public health re-
11 sponse to circumstances described in subsection (1) of this section.

12 (h) Adopt reporting requirements for, and provide notice of those report-
13 ing requirements to, health care providers, institutions and facilities for the
14 purpose of obtaining information directly related to the public health threat
15 presented.

16 (i) Take control of antitoxins, serums, vaccines, immunizing agents, anti-
17 biotics, antidotes and other pharmaceutical agents, medical supplies or per-
18 sonal protective equipment.

19 (j) Direct and deploy [*emergency health care providers*] **volunteers** under
20 ORS 401.661.

21 (3) The authority granted to the Public Health Director under this section
22 is not intended to override the general authority provided to a local public
23 health authority except as already permitted by law, or under the circum-
24 stances described in subsection (1) of this section.

25 (4) If the Oregon Health Authority adopts temporary rules to implement
26 subsection (2) of this section, the rules adopted are not subject to the pro-
27 visions of ORS 183.335 (6)(a). The authority may amend the temporary rules
28 adopted under this subsection as often as is necessary to respond to the
29 public health threat.

30 (5) If it is necessary for the authority to purchase antitoxins, serums,
31 vaccines, immunizing agents, antibiotics, antidotes or other pharmaceutical

1 agents, medical supplies or personal protective equipment, the purchases are
2 not subject to the provisions of ORS chapter 279A, 279B or 279C.

3 (6) If property is taken under the authority granted to the Public Health
4 Director under subsection (2) of this section, the owner of the property is
5 entitled to reasonable compensation from the state.

6
