

Enrolled
House Bill 2410

Sponsored by COMMITTEE ON JUDICIARY

CHAPTER

AN ACT

Relating to emergencies; and declaring an emergency.

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

SECTION 1. Sections 2 to 8 of this 2003 Act are added to and made a part of ORS chapter 401.

SECTION 2. As used in sections 2 to 8 of this 2003 Act:

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

(2) "Health care provider" means an individual licensed, certified or otherwise authorized or permitted by the laws of this state to administer health care services in the ordinary course of business or practice of a profession.

SECTION 3. (1) The Department of Human Services may establish a registry of emergency health care providers who are available to provide health care services during an emergency or crisis. The department may require training related to the provision of health care services in an emergency or crisis as a condition of registration.

(2) The department shall issue identification cards to health care providers included in the registry established under this section that:

- (a) Identify the health care provider;**
- (b) Indicate that the health care provider is registered as an Oregon emergency health care provider;**
- (c) Identify the license or certification held by the health care provider; and**
- (d) Identify the health care provider's usual area of practice if that information is available and the department determines that it is appropriate to provide that information.**

(3) The department by rule shall establish a form for identification cards issued under subsection (2) of this section.

(4) The department shall support and provide assistance to the Office of Emergency Management in emergencies or crises involving the public health or requiring emergency medical response.

SECTION 4. (1) The Department of Human Services may designate all or part of a health care facility or other location as an emergency health care center. Upon the Governor declaring a state of emergency under ORS 401.055, or proclaiming a state of impending public health crisis after determining that a threat to the public health is imminent and likely to be widespread, life-threatening and of a scope that requires immediate medical action to protect the public health, emergency health care centers may be used for:

- (a) Evaluation and referral of individuals affected by the emergency or crisis;**

- (b) Provision of health care services; and
- (c) Preparation of patients for transportation.

(2) The department may enter into cooperative agreements with local public health authorities that allow local public health authorities to designate emergency health care centers under this section.

(3) An emergency health care center designated under this section must have an emergency operations plan and a credentialing plan that governs the use of emergency health care providers registered under section 3 of this 2003 Act and other health care providers who volunteer to perform health care services at the center under sections 2 to 8 of this 2003 Act. The emergency operations plan and credentialing plan must comply with rules governing those plans adopted by the department.

SECTION 5. Upon the Governor declaring a state of emergency under ORS 401.055, or proclaiming a state of impending public health crisis after determining that a threat to the public health is imminent and likely to be widespread, life-threatening and of a scope that requires immediate medical action to protect the public health:

(1) The Department of Human Services may direct emergency health care providers registered under section 3 of this 2003 Act who are willing to provide health care services on a voluntary basis to proceed to any place in this state where health care services are required by reason of the emergency or crisis; and

(2) Any emergency health care provider registered under section 3 of this 2003 Act or other health care provider may volunteer to perform health care services described in section 4 of this 2003 Act at any emergency health care center or health care facility in the manner provided by section 6 of this 2003 Act.

SECTION 6. (1) Emergency health care providers registered under section 3 of this 2003 Act and other health care providers who volunteer to perform health care services under sections 2 to 8 of this 2003 Act must provide those services in accordance with the emergency operations plan and credentialing plan adopted by the emergency health care center or by the health care facility at which the services are rendered.

(2) An emergency health care center or health care facility may determine the services to be provided by any emergency health care provider registered under section 3 of this 2003 Act or other health care provider who volunteers to perform health care services under sections 2 to 8 of this 2003 Act.

SECTION 7. (1) Emergency health care providers registered under section 3 of this 2003 Act and other health care providers who volunteer to perform health care services without compensation under sections 2 to 8 of this 2003 Act are agents of the state under ORS 30.260 to 30.300 for the purposes of any claims arising out of those services.

(2) Health care facilities and other persons operating emergency health care centers designated under section 4 of this 2003 Act are agents of the state under ORS 30.260 to 30.300 for the purposes of any claims arising out of services provided without compensation through those centers or facilities under sections 2 to 8 of this 2003 Act.

(3) An emergency health care provider registered under section 3 of this 2003 Act participating in training authorized by the Department of Human Services under sections 2 to 8 of this 2003 Act is an agent of the state under ORS 30.260 to 30.300 for the purposes of any claims arising out of that training.

(4) The provisions of subsections (1) and (2) of this section apply only to emergency health care centers or health care facilities that have adopted emergency operations plans and credentialing plans that govern the use of emergency health care providers registered under section 3 of this 2003 Act and other health care providers who volunteer to perform health care services under sections 2 to 8 of this 2003 Act. An emergency operations plan and a credentialing plan must comply with rules governing those plans adopted by the Department of Human Services.

SECTION 8. The Department of Human Services shall adopt all rules necessary for the implementation of sections 2 to 8 of this 2003 Act.

SECTION 9. This 2003 Act being necessary for the immediate preservation of the public peace, health and safety, an emergency is declared to exist, and this 2003 Act takes effect on its passage.

Passed by House April 30, 2003

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Chief Clerk of House

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Speaker of House

Passed by Senate May 20, 2003

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President of Senate

Received by Governor:

.....M,....., 2003

Approved:

.....M,....., 2003

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Governor

Filed in Office of Secretary of State:

.....M,....., 2003

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Secretary of State