



## OREGON DENTAL ASSOCIATION 2022 END OF SESSION REPORT

By ODA's Lobby Team

### The 2022 Legislative Session: Big Picture Takeaways

Early this month, Oregon's 35-day legislative session came to an end, three days earlier than expected. Over 250 bills were introduced, with most dying at adjournment. The session was sort of a hybrid: not completely closed to the general public as it was in 2021, but also not back to normal, as committee hearings continued to take place virtually. Democrat House and Senate members still took meetings only virtually, while their Republican colleagues met with the lobby in person. House and Senate floor sessions were all in person, although only Republican lawmakers could be found trickling off the floors to mix with the public.

Leadership in both chambers also changed, with the House electing the first new Speaker of the House in over a decade. Speaker Tina Kotek, choosing to focus on her governor's race, gave up the gavel to Representative Dan Rayfield (D-Corvallis). Subsequently, the House saw a new Democratic Majority Leader (Representative Julie Fahey, Junction City), a new Republican Leader (Representative Vicki Breese-Iverson, Pendleton) and a new Co-Chairs of Ways and Means (Representative Tawna Sanchez, N. Portland) ... all just days before the session started. Also, Senate President Peter Courtney announced his retirement, closing the door on the longest serving legislator and Senate president in Oregon's history. Courtney was first elected to the House in the early '80s.

Mid-session, legislators learned that Oregon's economy continued to grow significantly, with record revenues and tax receipts that were substantially higher than previously projected. General funds included an ending balance increase of just under \$2.5 Billion from the close of the 2021 session, setting up Oregonians for another kicker in the near future. Shortly after adjournment, Governor Kate Brown commented that this allowed the Legislature "to pass a robust package of bills that will help Oregon's families" and "make big and bold investments to spur economic recovery after two years of unprecedented challenges."

### ODA's Focus in 2022

Given the short session timeline and continued virtual nature, ODA chose to prioritize partnering with others on legislation impacting dentistry. ODA's efforts focused on expanding the ability of out-of-state dentists to provide volunteer charitable care, and on creating oral health coverage for veterans (with incomes below 400% of the federal poverty level) and Oregon's Compact of Free Association population (Micronesia, Marshall Islands, and the Republic of Palau). ODA also formed a dental coalition of partners, including Dental Care Organizations, dental care providers, OHSU, and other education institutions, to advocate for real workforce solutions: funding for dental assistance programs and resources for dental students to practice in rural and underserved areas. Even in areas where we did not succeed during this session, our efforts laid the groundwork for 2023 and beyond.

A special thank you goes out to the 2022 Legislative Task Force members, who met on a weekly basis to review bills important to the ODA and advise our professional staff. Members

include: Dr. Norm Auzins, Dr. Melissa Beadnell, Dr. Natasha Bramley, Dr. Jennifer Frankel, Dr. Andrea Laidlaw, Dr. Phil Marucha, Dr. Caroline Zeller and Dr. Scott Hansen, chair of the Legislative Task Force.

## ODA Bills of Interest — Passed

### [HB 4095](#) – Dental Benefits for Veterans

HB 4095, sponsored by Representative Hayden to establish dental benefits for low-income veterans (those who earn less than 400% of the federal poverty line) who otherwise do not have access to these benefits, received significant press attention and passed both chambers handily. ODA offered this [supportive testimony](#) on the bill. ODA President Dr. Roa and ODA Secretary Treasurer Dr. Javadi also authored an editorial piece about the bill that was published in the Tillamook Headlight Herald newspaper.

### [SB 1538](#) – COFA Dental Coverage

SB 1538 extends dental coverage to the COFA population. The ODA submitted [this testimony](#) in support of the bill. ODA has worked on dental coverage for the COFA population for multiple legislative sessions. It was included in our comprehensive dental package (DMD funding bill) in 2021.

### [HB 4096](#) – Volunteer Licenses

HB 4096 extends the time limitations on volunteer health care provider licenses to 30 days, which adds consistency across licensing boards. Under current statute, some license types were only allowed to volunteer their time in Oregon for five consecutive days. HB 4096 allows out-of-state physicians and dentists, as well as other health care practitioners, to provide uncompensated care to patients in Oregon for up to 30 days throughout the year without the days required to be consecutive. Licensing boards are also permitted to increase the number of days via rulemaking.

The bill also:

- Clarifies applicable exemptions from state regulation for volunteer health care practitioners.
- Clarifies that authorization to practice without Oregon licensure does not limit the liability of a health professional regulatory board under other applicable laws.
- Prohibits hospital or other health care facilities from using services of a health care practitioner in order to meet staffing needs during a labor dispute.

ODA offered [this testimony](#) in support of the introduced bill (which extended the timeline to 15 days).

### [HB 4035](#) – Medicaid Redetermination

During the COVID-19 Public Health Emergency (PHE), CMS ruled that states were allowed to keep Medicaid enrollees on state health plans without going through a redetermination process as is normally required to maintain eligibility. When the PHE ends, states will need to go through a redetermination process for all of their Medicaid enrollees. HB 4035 is the vehicle for the policy surrounding these requirements. Additionally, the bill creates a task force that will make recommendations for a Bridge Plan — intended to provide coverage for the estimated 300,000 Oregonians who are expected to no longer be eligible for Medicaid but who are still low income.

ODA successfully advocated for the task force to include a Dental Care Organization and to ensure that the bill language specify that dental benefits must be included to the extent practical. The task force is set to begin their work by the end of March, and will deliver

recommendations by July 1. Recommendations will touch on funding needs, the potential development of additional federal waivers, and suggested timelines for phasing in the program.

#### [SB 1554](#) – After Action Report

Senator Steiner Hayward introduced SB 1554, which directs a COVID-19 lookback study, by an OHA-hired third party contractor, largely focused on public health. The bill also received supportive testimony from the hospitals, the Coalition of Local Health Officials and the Commission on Black Affairs.

#### [HB 4150](#) – Community Information Exchange

HB 4150 was introduced by Representative Dexter, a physician, to create a taskforce around Community Information Exchange that would allow the seamless coordination of health care and social services across all delivery systems. Similar systems are already used by some CCOs or groups in most counties. Some of this work is already happening at OHA, which has formed a [Community Information Exchange Workgroup](#).

#### [HB 4106](#) – Surgical Tech Apprenticeship Programs

HB 4106 increases the pathways that surgical technologists are permitted to come into the workforce by allowing a BOLI-approved apprenticeship model. The bill is supported by the Hospital Association, ASCs, and the Medical Association — with these groups calling it a tool to expand a workforce that is facing significant shortages.

#### [HB 4052](#) – Racism as a Public Health Crisis (Funding)

In 2021, Oregon passed a bill declaring racism a public health crisis. HB 4052 is a follow-up to that effort, allocating \$2 million for mobile health clinics to serve priority populations. The bill passed both chambers with broad bipartisan support.

#### [SB 1529](#) – Omnibus Senate Health

The bill contains requirements around pharmacy benefit manager contracts, Universal Primary Care, and language allowing volunteer providers through SERV-OR to be deployed by public health, with permission from the governor.

#### [HB 4034](#) – Omnibus House Health

HB 4034 is the omnibus health care bill. It contains fixes for the medical and pharmacy boards on telemedicine, pseudoephedrine fixes for pharmacies (allowing a pharmacy intern to transfer the drug, and allowing for driver's license swipe), and some funding for reproductive services education by OHA.

### **ODA BILLS OF INTEREST — DIED**

These bills did not pass into law during the 2022 session.

#### [HB 4081](#) – Naloxone Co-Offering

HB 4081 would have required pharmacists to offer a prescription for naloxone to patients filling a high-risk opioid prescription.

#### [HB 4142](#) – Creates Crime of Assault on Hospital Worker

HB 4142 sought to expand protections that EMS providers have to hospital staff by creating the crime of assault against hospital workers.

### [HB 4132](#) – DCBS Provider Resources

As introduced, HB 4132 required the Department of Consumer and Business Services (DCBS) — the agency that regulates insurers — to meet monthly with specified health care providers to discuss providers' concerns regarding health insurer practices. ODA successfully secured an amendment that adds physicians and dentists to the provider list. These kinds of calls are already occurring between DCBS and insurers. The bill would have also required DCBS to study trends in reimbursement paid to specified health care providers.

### [HB 4023](#) – HCMO Mergers and Acquisitions Narrowing

HB 4023 would have further narrowed the Healthcare Market Oversight program, which was created by HB 2362 (in 2021), and subsequent rulemaking at the Oregon Health Authority. The program gives OHA, and to some extent the community, oversight of health care mergers, acquisitions and affiliations between entities of a certain size that would eliminate or reduce essential health services.

ODA participated heavily in the rules advisory committee on this program, and successfully advocated with our partners for the program to be narrowed significantly.

## **Budget Bills and Requests**

Aside from the main budget bills discussed below, ODA brought forward a dental workforce package supported by a coalition of providers, insurers and DCOs. The request allocated \$300,000 to the Higher Education Coordinating Commission to provide scholarships and increase capacity of Oregon's community college dental assisting programs.

ODA's budget package also called for a \$200,000 allocation to the OHSU School of Dentistry for an extramural rotation experience for fourth year dental students. Every student spends at least one week at the Russell Street Clinic in Portland, as well as another eight weeks delivering patient care in partner clinics in rural and underserved areas in Oregon. However, the program needs administrative support for coordination and management of a learner placement.

Unfortunately, despite our best efforts, this funding package was not passed this session, mostly because of the short deadlines and not enough opportunity to present the concepts to legislators earlier in the process. However, we heard countless times from key legislators about their desire to work on a fully funded and integrated oral health budget for the 2023 session. ODA believes there is a path forward to work on these critical funding issues for workforce challenges.

ODA also became aware of a dental therapy budget request this session. Under Pilot Project #100, the Northwest Portland Area Indian Health Board (NPAIHB) sponsors and trains several dental therapists, a new dental provider authorized by the Oregon Health Authority. With the passage of HB 2528 (dental therapy legislation during the 2021 session), funding for the pilot project has come to an end. The NPAIHB submitted a request this session for \$700,000 for the project to keep the program running through the end of the biennium, in June 2023. This money was for salaries, administration, facilities, supplies, leases, etc. Similar to ODA's request, NPAIHB was unsuccessful given the shorten timeline.

### [HB 5201A](#) – Fee Ratification

HB 5201 is the fee ratification bill for the Department of Agriculture, Oregon Health Authority, and Oregon Board of Nursing. The measure provides the enabling legislation necessary for fees adopted by these agencies through administrative rule and approved by the Department of Administrative Services (DAS). State law (ORS 291.055) requires all new agency fees or fee increases adopted between regular sessions of the Legislative Assembly be authorized by enabling legislation or rescinded upon adjournment of the next regular session.

#### [HB 5202A](#) – Budget Reconciliation

HB 5202 relates to state financial administration and is the Emergency Board and budget reconciliation measure for the 2022 session. The omnibus measure makes changes to the 2021-23 legislatively adopted budget and implements 2022 budgetary decisions. The measure has an emergency clause and is effective on passage. The measure appropriates General Fund to the Emergency Board for six special purpose appropriations and adjusts 12 previously approved special purpose appropriations.

The measure provides funding for housing supply, homelessness prevention and response, worker relief, childcare, summer learning, behavioral health, enhancements to home- and community-based services, community violence prevention, crime victim assistance, public defense, disaster recovery and resiliency, wildfire and wildfire recovery, drought and climate resiliency, water and wastewater-related infrastructure projects, rural infrastructure, economic and community development projects, broadband, public universities, community colleges, county courthouse construction, information technology projects, the budgetary impact of select policy measures, and other special governmental payments to local governments and non-state entities.

A section-by-section index of the measure is available [here](#). Overall, the measure includes \$1.4 billion General Fund, \$82.1 million Lottery Funds, \$2.1 billion Other Funds, and \$2.2 billion Federal Funds for \$5.8 billion total funds. View budget notes [here](#), and a list of Special Purpose Appropriations [here](#).

## **Tax Bills**

#### [SB 1524B](#) – Omnibus Technical Tax Bill

This omnibus technical tax bill makes multiple modifications to various tax expenditures and tax programs. Notable revisions include a new, narrow exemption to the Corporate Activity Tax for small pharmacies with less than nine locations; a modified extension in the gain share program to one year, and establishment of a three-year net operating loss carryback for farmers and growers connected to the broader farmworker overtime policy bill.

#### [SB 1525](#) – Federal Reconnect

Oregon has had a continuing connection ("rolling reconnect") to the federal definition of taxable income since tax year 2011. Other ties to federal tax law must be updated on a regular basis, with December 31 being the usual connection date. Over the past 40 years, the state has rotated between a policy of automatic connection to federal tax base changes and connection to the federal code at a particular point in time. This bill would reconnect Oregon's tax code to the federal tax code for the 2021 tax year.

## Labor and Employment Bills

### [SB 1514E](#) – Hiring Bonus/Retention Payment Extension

Introduced as a placeholder bill, the final negotiated language provides a temporary exemption to Oregon's Pay Equity Law to allow for employers to pay hiring bonuses and retention bonuses. The exemption allows for these payments 180-days after the governor's State of Emergency ends. Note: After the bill passed, Governor Brown announced this would end April 1, 2022, providing the exception through September 28, 2022.

### [SB 1515](#) – PFMLI Benefits Benefit Year

SB 1515 clarifies the definition of "benefit year" for the Paid Family Medical Leave Insurance Program. The Oregon Employment Department sought this fix to define the benefit year as 52 weeks starting at the date of leave, aligning the definition with unemployment insurance.

### [SB 1565B](#) – Cash Bill

This bill would make it unlawful for businesses to refuse to accept cash. It requires any place offering goods or services to the public to accept cash payments. The measure establishes exemptions for certain transactions including farmers markets and roadside stands, internet-based transactions, electric vehicle charging stations and gas stations, hospital and medical services with certain exceptions, and parking pay stations. The bill will be enforced by the Bureau of Labor and Industries.

### [SB 1585](#) – Workers Comp. Death Benefits

SB 1585 directs DCBS, the Oregon Employment Department, and the Oregon Health Authority to enter into an intergovernmental agreement to share information necessary to enable DCBS to inform beneficiaries of their rights to workers' compensation death benefits. The measure limits the information that may be shared to deaths from COVID-19 workplace outbreaks. Agencies were concerned COVID-19 deaths were not being reported to the Workers Compensation Division, and that families were not seeking death benefits.

### [SB 1586E](#) – Nondisclosure Agreements

This bill, aimed at nondisclosure agreements, would create an unlawful employment practice if an employer asks an employee to enter into a settlement agreement that required the nondisclosure of certain elements. It would eliminate the confidentiality requirements of mediation. The final negotiated bill does not allow employers to require the inclusion of settlement amounts in nondisclosure agreements, though it does allow the issue to be negotiated.

### [HB 4086](#) – Workers Comp. COVID-related Death Benefits

HB 4086 extends retaliation protections to all employees, clarifies that a person acting on behalf of the employer is also liable for retaliation, and protects workers who inquire about workers' compensation benefits. The measure also expands who qualifies as a surviving spouse or cohabitant, removes provisions related to beneficiaries who live outside the United States, and replaces references to "invalid" with "incapacitated".

### [SB 1545B](#) – Governor's "Future Ready" Bill

SB 1545 invests \$76.9 million General Fund and \$123.1 million ARPA funds into workforce development programs. Among other things, it would expand apprenticeship, education and training opportunities and create grant programs to support workforce development activities in technology, health care, and manufacturing. The programs will be administered by HECC, BOLI, and the Department of Education, in collaboration with local workforce development

boards, community-based organizations, culturally specific organizations, labor organizations, and education and training providers. The specific investments include: \$35 million total funds for the Prosperity 10,000 program to be administered by local workforce development board; \$2.1 total funds for the Department of Human Services to incorporate the Prosperity 10,000 program into the statewide SNAP Employment and Training Program; \$14.9 million General Fund to expand the post-secondary career pathways program; \$20 million total funds to expand the registered apprenticeship and pre-apprenticeship programs; \$10.5 million total funds to expand youth workforce and reengagement initiatives; \$10 million General Fund to expand capacity for prior learning credit; \$95 million total funds to establish a new Workforce Readiness Grants program; \$1 million General Fund to establish a new Industry Consortia program; and \$10 million ARPA funds to establish a new Benefits Navigators program.