

Memorandum

To: Oregon Hospitals

From: Oregon Health Authority

Date: 8/12/2024

Subject: OHA Guidance to Hospitals Regarding Patient Interested in Declining Financial Assistance

With the launch of the prescreening and presumptive eligibility awards of financial assistance from House Bill 3320 on July 1, 2024, the Oregon Health Authority (OHA) has received several questions from hospitals and individuals inquiring if a patient is allowed to decline a financial assistance award after the patient has been found presumptively eligible for financial assistance.

OHA's guidance is that it is permissible to allow a patient to voluntarily decline a presumptive eligibility financial assistance award.

In doing so, it is important that hospitals align to the following criteria:

1. Prior to allowing any patient to decline a presumptive eligibility financial assistance award, a hospital must formally adopt a process for declining financial assistance and document such process in its financial assistance policy.
2. The hospital must continue to perform the presumptive prescreening process and award financial assistance to eligible patients. **A hospital may not allow a patient to opt out of the prescreening process.** A hospital may permit a patient to decline the award at the end of the presumptive prescreening process.
3. Hospitals must document that the patient both received the presumptive eligibility financial assistance award, and that the patient chose to decline the award.

Hospitals should consult with their own legal counsel prior to taking any action under this guidance.

This guidance does not, and is not intended to, constitute legal advice; it does not absolve hospitals from potential future litigation or risk under state or federal law.