

**HOUSE AMENDMENTS TO
B-ENGROSSED SENATE BILL 1509
(INCLUDING AMENDMENTS TO RESOLVE CONFLICTS)**

By COMMITTEE ON RULES

February 24

1 On page 1 of the printed B-engrossed bill, line 2, after “health;” delete the rest of the line and
2 insert “creating new provisions; amending ORS 679.025 and 680.020; repealing sections 7, 8, 9 and
3 10, chapter ___, Oregon Laws 2012 (Enrolled Senate Bill 1580); and declaring an emergency.”.

4 On page 3, after line 25, insert:

5 **“SECTION 3. Section 4 of this 2012 Act is added to and made a part of ORS chapter 414.**

6 **“SECTION 4. (1) A fully capitated health plan, physician care organization or coordinated**
7 **care organization may not discriminate with respect to participation in the plan or organ-**
8 **ization or coverage against any health care provider who is acting within the scope of the**
9 **provider’s license or certification under applicable state law. This section does not require**
10 **that a plan or organization contract with any health care provider willing to abide by the**
11 **terms and conditions for participation established by the plan or organization. This section**
12 **does not prevent a plan or organization from establishing varying reimbursement rates based**
13 **on quality or performance measures.**

14 **“(2) A plan or organization may establish an internal review process for a provider**
15 **aggrieved under this section, including an alternative dispute resolution or peer review pro-**
16 **cess. An aggrieved provider may appeal the determination of the internal review to the**
17 **Oregon Health Authority.**

18 **“(3) The authority shall adopt by rule a process for resolving claims of discrimination**
19 **under this section and, in making a determination of whether there has been discrimination,**
20 **must consider the plan’s or organization’s:**

21 **“(a) Network adequacy;**

22 **“(b) Provider types and qualifications;**

23 **“(c) Provider disciplines; and**

24 **“(d) Provider reimbursement rates.**

25 **“(4) A prevailing party in an appeal under this section shall be awarded the costs of the**
26 **appeal.**

27 **“SECTION 5. Section 4 of this 2012 Act is amended to read:**

28 **“Sec. 4. (1) A [fully capitated health plan, physician care organization or] coordinated care or-**
29 **ganization may not discriminate with respect to participation in the [plan or] organization or cov-**
30 **erage against any health care provider who is acting within the scope of the provider’s license or**
31 **certification under applicable state law. This section does not require that [a plan or] an organiza-**
32 **tion contract with any health care provider willing to abide by the terms and conditions for par-**
33 **ticipation established by the [plan or] organization. This section does not prevent [a plan or] an**
34 **organization from establishing varying reimbursement rates based on quality or performance meas-**

1 ures.

2 “(2) [A *plan or*] **An** organization may establish an internal review process for a provider
3 aggrieved under this section, including an alternative dispute resolution or peer review process. An
4 aggrieved provider may appeal the determination of the internal review to the Oregon Health Au-
5 thority.

6 “(3) The authority shall adopt by rule a process for resolving claims of discrimination under this
7 section and, in making a determination of whether there has been discrimination, must consider the
8 [*plan’s or*] organization’s:

9 “(a) Network adequacy;

10 “(b) Provider types and qualifications;

11 “(c) Provider disciplines; and

12 “(d) Provider reimbursement rates.

13 “(4) A prevailing party in an appeal under this section shall be awarded the costs of the appeal.

14 **“SECTION 6. The amendments to section 4 of this 2012 Act by section 5 of this 2012 Act
15 become operative July 1, 2017.**

16 **“SECTION 7. If Senate Bill 1580 becomes law, sections 7, 8, 9 and 10, chapter _____,
17 Oregon Laws 2012 (Enrolled Senate Bill 1580), are repealed.”.**

18 In line 26, delete “3” and insert “8”.

19 _____