

REVENUE: No revenue impact

FISCAL: No fiscal impact

Action: Do Pass as Amended and Be Printed Engrossed

Vote: 5 - 0 - 0

Yeas: Avakian, Beyer, Gordly, Monroe, Prozanski

Nays: 0

Exc.: 0

Prepared By: Anna Braun, Administrator

Meeting Dates: 5/2, 5/9

WHAT THE MEASURE DOES: Requires the Director of the Department of Consumer and Business Services (DCBS) to adopt rules for standards of professional conduct for those performing independent medical exams if the appropriate health professional regulatory board has not adopted standards. Rules may be consistent with the published rules of the Independent Medical Examination Association (IMEA). Declares emergency, effective on passage.

ISSUES DISCUSSED:

- Improper delegation to a private entity
- Expertise of IMEA

EFFECT OF COMMITTEE AMENDMENT: Allows DCBS to follow the IMEA standards but does not require it.

BACKGROUND: The 2005 legislature enacted SB 311, which established new laws regarding the conduct of independent medical examinations (IME) for workers' compensation claims. One of the measure's provisions directed the Department of Consumer and Business Services to maintain a list of IME providers that have met the certification requirements. The Director can exclude an IME provider from the list if the provider violates their individual regulatory board's code of conduct (i.e., physicians or chiropractors).

If the provider does not have a code of conduct, the measure established that the default code of conduct was the American Board of Independent Medical Examiners' (ABIME) code of conduct. After SB 311 was enacted, the ABIME notified the State of Oregon that the code of conduct is copyrighted. The Workers' Compensation Division has annually negotiated an agreement to use the code of conduct for free, but the ABIME has indicated that they prefer future agreements to include ABIME-included training or require IME providers who wish to be authorized to pay ABIME association dues.

HB 2943 B removes the ABIME code of conduct reference from statute, clarifying that if a health professional regulatory board does not adopt standards of conduct for IME providers, the department is required adopt rules regarding standards of conduct that may be consistent with the guidelines of conduct established by the Independent Medical Examination Association.