

Enrolled
House Bill 2943

Sponsored by COMMITTEE ON BUSINESS AND LABOR

CHAPTER

AN ACT

Relating to standards of conduct for providers of independent medical examinations in workers' compensation claims; amending ORS 656.328; and declaring an emergency.

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

SECTION 1. ORS 656.328 is amended to read:

656.328. (1) The Director of the Department of Consumer and Business Services shall maintain a list of providers that are authorized to perform independent medical examinations.

(2) A provider on the list maintained by the director under subsection (1) of this section may be excluded from the list by the director after a finding of a violation of standards of professional conduct for conducting independent medical examinations adopted by the appropriate health professional regulatory board. **The director shall adopt by rule standards of professional conduct for providers performing independent medical examinations** if [a] **the appropriate** health professional regulatory board has not adopted standards pertaining to independent medical examinations[.]. **The rules adopted by the director under this subsection may be consistent with** the guidelines of conduct published by the [*American Board of Independent Medical Examiners*] **Independent Medical Examination Association** in effect on [*January 1, 2006, shall apply as standards pertaining to providers conducting independent medical examinations that are licensed by that board*] **the effective date of this 2007 Act**. The decision of the director to exclude a provider from the list maintained under subsection (1) of this section is subject to review under ORS 656.704.

(3) The director, in consultation with the advisory committee on medical care of the Workers' Compensation Division of the Department of Consumer and Business Services, the Workers' Compensation Management-Labor Advisory Committee and affected interest groups shall develop, and the director shall adopt by rule:

(a) Professional licensing training requirements and educational materials for physicians participating in the workers' compensation system and conducting independent medical examinations required under ORS 656.325 (1); and

(b) A process for investigating and reviewing complaints about independent medical examinations conducted under the requirements of ORS 656.325 (1) that includes, but is not limited to, standards for referring complaints to the appropriate health professional regulatory board and an appeals process for a physician who disagrees with an action taken by the director under subsection (2) of this section.

SECTION 2. This 2007 Act being necessary for the immediate preservation of the public peace, health and safety, an emergency is declared to exist, and this 2007 Act takes effect on its passage.

Passed by House April 16, 2007

Repassed by House May 22, 2007

.....
Chief Clerk of House

.....
Speaker of House

Passed by Senate May 18, 2007

.....
President of Senate

Received by Governor:

.....M,....., 2007

Approved:

.....M,....., 2007

.....
Governor

Filed in Office of Secretary of State:

.....M,....., 2007

.....
Secretary of State