

B-Engrossed
House Bill 2943

Ordered by the Senate May 15
Including House Amendments dated April 11 and Senate Amendments
dated May 15

Sponsored by COMMITTEE ON BUSINESS AND LABOR

SUMMARY

The following summary is not prepared by the sponsors of the measure and is not a part of the body thereof subject to consideration by the Legislative Assembly. It is an editor's brief statement of the essential features of the measure.

Requires Director of Department of Consumer and Business Services to adopt by rule standards of conduct for providers of independent medical examinations in workers' compensation claims if appropriate health professional regulatory board does not adopt standards.

Declares emergency, effective on passage.

A BILL FOR AN ACT

1
2 Relating to standards of conduct for providers of independent medical examinations in workers'
3 compensation claims; amending ORS 656.328; and declaring an emergency.

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

5 **SECTION 1.** ORS 656.328 is amended to read:

6 656.328. (1) The Director of the Department of Consumer and Business Services shall maintain
7 a list of providers that are authorized to perform independent medical examinations.

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

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

25 (a) Professional licensing training requirements and educational materials for physicians partic-
26 ipating in the workers' compensation system and conducting independent medical examinations re-

NOTE: Matter in **boldfaced** type in an amended section is new; matter [*italic and bracketed*] is existing law to be omitted.
New sections are in **boldfaced** type.

1 quired under ORS 656.325 (1); and

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

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

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