

A-Engrossed
House Bill 3490

Ordered by the House May 4
Including House Amendments dated May 4

Sponsored by Representative KOMP; Representative KRUMMEL, Senators CARTER, KRUSE, VERGER

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 insurers to provide personal injury protection benefits after receiving either proof of loss form or prehospital care report form.]

Requires provider, upon receipt of notice and explanation from insurer, to repay personal injury benefits paid by insurer based on data appearing to establish proof of loss if insurer later determines insurer was not responsible for payment.

A BILL FOR AN ACT

Relating to proof of loss; creating new provisions; and amending ORS 742.518.

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

SECTION 1. ORS 742.518 is amended to read:

742.518. As used in ORS 742.518 to 742.542:

(1) "Evaluation services" means physical examinations or reviews of medical records of beneficiaries conducted at the request of an insurer by either an employee of the insurer or a third-party medical record or bill review service to determine whether the provision or continuation of medical services is necessary or reasonable.

(2) "Managed care services" means any system of health care delivery that attempts to control or coordinate use of health care services in order to contain health care expenditures or improve quality of health care services.

(3) "Motor vehicle" means a self-propelled land motor vehicle or trailer, other than:

(a) A farm-type tractor or other self-propelled equipment designed for use principally off public roads, while not upon public roads;

(b) A vehicle operated on rails or crawler-treads; or

(c) A vehicle located for use as a residence or premises.

(4) "Motorcycle" and "moped" have the meanings given those terms in ORS 801.345 and 801.365.

(5) "Occupying" means in, or upon, or entering into or alighting from.

(6) "Pedestrian" means a person while not occupying a self-propelled vehicle other than a wheelchair or a similar low-powered motorized or mechanically propelled vehicle that is designed specifically for use by a physically disabled person and that is determined to be medically necessary for the occupant of the wheelchair or other low-powered vehicle.

(7) "Personal injury protection benefits" means the benefits described in ORS 742.518 to 742.542.

(8) "Private passenger motor vehicle" means a four-wheel passenger or station wagon type motor vehicle not used as a public or livery conveyance, and includes any other four-wheel motor vehicle

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 of the utility, pickup body, sedan delivery or panel truck type not used for wholesale or retail de-
2 livery other than farming, a self-propelled mobile home and a farm truck.

3 **(9) "Proof of loss" means documentation that allows an insurer to determine whether a**
4 **person is entitled to personal injury protection benefits and the amount of any benefit that**
5 **is due.**

6 [(9)] (10) "Provider" has the meaning given that term in ORS 743.801.

7 **SECTION 2. Section 3 of this 2007 Act is added to and made a part of ORS 742.518 to**
8 **742.542.**

9 **SECTION 3. If personal injury protection benefits are paid based on information that**
10 **appeared to establish proof of loss and the insurer paying the benefits later determines the**
11 **insurer was not responsible for the payment, the insurer shall give notice and explanation**
12 **to the provider that the payment was incorrectly issued. Immediately after receiving the**
13 **notice and explanation the provider shall promptly repay the insurer.**

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