

## SENATE AMENDMENTS TO SENATE BILL 519

By COMMITTEE ON HEALTH POLICY AND PUBLIC AFFAIRS

May 4

1 On page 1 of the printed bill, line 2, before the period insert “; creating new provisions; and  
2 amending ORS 750.055 and 750.333”.

3 In line 12, after “means” delete the rest of the line and lines 13 through 25 and insert “using  
4 telecommunications technology to deliver health care, including but not limited to clinical diagnosis,  
5 clinical services and patient consultation. ‘Telemedicine’ includes the practice of medicine across  
6 state lines as defined in ORS 677.135.

7 “**SECTION 2.** (1) Whenever any policy of health insurance provides for reimbursement for a  
8 service when performed in person, the insured under the policy is entitled to reimbursement for the  
9 same service performed using telemedicine if:

10 “(a) The service is within the lawful scope of practice of the licensed health professional per-  
11 forming the service;

12 “(b) Provision of the service using telemedicine is supported by evidence-based medical criteria;  
13 and

14 “(c) Provision of the service using telemedicine is medically necessary.”.

15 In line 26, after “to” insert “all terms and conditions of the policy, including but not limited  
16 to”.

17 In line 28, delete “a face-to-face” and insert “an in-person”.

18 In line 29, delete “shall” and insert “may”.

19 On page 2, line 8, delete “face-to-face” and insert “in-person”.

20 In line 18, delete “a face-to-face” and insert “an in-person”.

21 In line 22, delete “a face-to-face” and insert “an in-person”.

22 In line 27, delete “a face-to-face” and insert “an in-person”.

23 In line 40, delete “a face-to-face” and insert “an in-person”.

24 On page 3, line 11, delete “fact-to-face” and insert “in person”.

25 In line 15, after “means” delete the rest of the line and lines 16 through 18 and insert “using  
26 telecommunications technology to deliver health care, including but not limited to clinical diagnosis,  
27 clinical services and patient consultation. ‘Telemedicine’ includes the practice of medicine across  
28 state lines as defined in ORS 677.135.

29 “**SECTION 4.** ORS 750.055 is amended to read:

30 “750.055. (1) The following provisions of the Insurance Code apply to health care service con-  
31 tractors to the extent not inconsistent with the express provisions of ORS 750.005 to 750.095:

32 “(a) ORS 705.137, 705.139, 731.004 to 731.150, 731.162, 731.216 to 731.362, 731.382, 731.385,  
33 731.386, 731.390, 731.398 to 731.430, 731.428, 731.450, 731.454, 731.488, 731.504, 731.508, 731.509,  
34 731.510, 731.511, 731.512, 731.574 to 731.620, 731.592, 731.594, 731.640 to 731.652, 731.730, 731.731,  
35 731.735, 731.737, 731.750, 731.752, 731.804 and 731.844 to 731.992.

1 “(b) ORS 732.215, 732.220, 732.230, 732.245, 732.250, 732.320, 732.325 and 732.517 to 732.592, not  
2 including ORS 732.582.

3 “(c) ORS 733.010 to 733.050, 733.080, 733.140 to 733.170, 733.210, 733.510 to 733.680 and 733.695  
4 to 733.780.

5 “(d) ORS chapter 734.

6 “(e) ORS 742.001 to 742.009, 742.013, 742.061, 742.065, 742.150 to 742.162, 742.400, 742.520 to  
7 742.540, 743.010, 743.013, 743.018 to 743.030, 743.050, 743.100 to 743.109, 743.402, 743.412, 743.472,  
8 743.492, 743.495, 743.498, 743.522, 743.523, 743.524, 743.526, 743.527, 743.528, 743.529, 743.549 to  
9 743.552, 743.556, 743.560, 743.600 to 743.610, 743.650 to 743.656, 743.691, 743.693, 743.694, 743.697,  
10 743.699, 743.701, 743.706 to 743.712, 743.721, 743.722, 743.726, 743.727, 743.728, 743.729, 743.793,  
11 743.804, 743.807, 743.808, 743.814 to 743.839, 743.842, 743.845, 743.847, 743.854, 743.856, 743.857,  
12 743.858, 743.859, 743.861, 743.862, 743.863, 743.864, 743.866 and 743.868 **and section 2 of this 2007**  
13 **Act.**

14 “(f) The provisions of ORS chapter 744 relating to the regulation of insurance producers.

15 “(g) ORS 746.005 to 746.140, 746.160, 746.220 to 746.370, 746.600, 746.605, 746.607, 746.608,  
16 746.610, 746.615, 746.625, 746.635, 746.650, 746.655, 746.660, 746.668, 746.670, 746.675, 746.680 and  
17 746.690.

18 “(h) ORS 743.714, except in the case of group practice health maintenance organizations that  
19 are federally qualified pursuant to Title XIII of the Public Health Service Act unless the patient is  
20 referred by a physician associated with a group practice health maintenance organization.

21 “(i) ORS 735.600 to 735.650.

22 “(j) ORS 743.680 to 743.689.

23 “(k) ORS 744.700 to 744.740.

24 “(L) ORS 743.730 to 743.773.

25 “(m) ORS 731.485, except in the case of a group practice health maintenance organization that  
26 is federally qualified pursuant to Title XIII of the Public Health Service Act and that wholly owns  
27 and operates an in-house drug outlet.

28 “(2) For the purposes of this section, health care service contractors shall be deemed insurers.

29 “(3) Any for-profit health care service contractor organized under the laws of any other state  
30 that is not governed by the insurance laws of the other state is subject to all requirements of ORS  
31 chapter 732.

32 “(4) The Director of the Department of Consumer and Business Services may, after notice and  
33 hearing, adopt reasonable rules not inconsistent with this section and ORS 750.003, 750.005, 750.025  
34 and 750.045 that are deemed necessary for the proper administration of these provisions.

35 “**SECTION 5.** ORS 750.055, as amended by section 7, chapter 137, Oregon Laws 2003, section  
36 3, chapter 263, Oregon Laws 2003, sections 501 and 502, chapter 22, Oregon Laws 2005, sections 5  
37 and 6, chapter 255, Oregon Laws 2005, and section 5, chapter 418, Oregon Laws 2005, is amended  
38 to read:

39 “750.055. (1) The following provisions of the Insurance Code apply to health care service con-  
40 tractors to the extent not inconsistent with the express provisions of ORS 750.005 to 750.095:

41 “(a) ORS 705.137, 705.139, 731.004 to 731.150, 731.162, 731.216 to 731.362, 731.382, 731.385,  
42 731.386, 731.390, 731.398 to 731.430, 731.428, 731.450, 731.454, 731.488, 731.504, 731.508, 731.509,  
43 731.510, 731.511, 731.512, 731.574 to 731.620, 731.592, 731.594, 731.640 to 731.652, 731.730, 731.731,  
44 731.735, 731.737, 731.750, 731.752, 731.804 and 731.844 to 731.992.

45 “(b) ORS 732.215, 732.220, 732.230, 732.245, 732.250, 732.320, 732.325 and 732.517 to 732.592, not

1 including ORS 732.582.

2 “(c) ORS 733.010 to 733.050, 733.080, 733.140 to 733.170, 733.210, 733.510 to 733.680 and 733.695  
3 to 733.780.

4 “(d) ORS chapter 734.

5 “(e) ORS 742.001 to 742.009, 742.013, 742.061, 742.065, 742.150 to 742.162, 742.400, 742.520 to  
6 742.540, 743.010, 743.013, 743.018 to 743.030, 743.050, 743.100 to 743.109, 743.402, 743.412, 743.472,  
7 743.492, 743.495, 743.498, 743.522, 743.523, 743.524, 743.526, 743.527, 743.528, 743.529, 743.549 to  
8 743.552, 743.556, 743.560, 743.600 to 743.610, 743.650 to 743.656, 743.691, 743.693, 743.694, 743.697,  
9 743.699, 743.701, 743.706 to 743.712, 743.721, 743.722, 743.727, 743.728, 743.729, 743.793, 743.804,  
10 743.807, 743.808, 743.814 to 743.839, 743.842, 743.845, 743.847, 743.854, 743.856, 743.857, 743.858,  
11 743.859, 743.861, 743.862, 743.863, 743.864, 743.866 and 743.868 **and section 2 of this 2007 Act.**

12 “(f) The provisions of ORS chapter 744 relating to the regulation of insurance producers.

13 “(g) ORS 746.005 to 746.140, 746.160, 746.220 to 746.370, 746.600, 746.605, 746.607, 746.608,  
14 746.610, 746.615, 746.625, 746.635, 746.650, 746.655, 746.660, 746.668, 746.670, 746.675, 746.680 and  
15 746.690.

16 “(h) ORS 743.714, except in the case of group practice health maintenance organizations that  
17 are federally qualified pursuant to Title XIII of the Public Health Service Act unless the patient is  
18 referred by a physician associated with a group practice health maintenance organization.

19 “(i) ORS 735.600 to 735.650.

20 “(j) ORS 743.680 to 743.689.

21 “(k) ORS 744.700 to 744.740.

22 “(L) ORS 743.730 to 743.773.

23 “(m) ORS 731.485, except in the case of a group practice health maintenance organization that  
24 is federally qualified pursuant to Title XIII of the Public Health Service Act and that wholly owns  
25 and operates an in-house drug outlet.

26 “(2) For the purposes of this section, health care service contractors shall be deemed insurers.

27 “(3) Any for-profit health care service contractor organized under the laws of any other state  
28 that is not governed by the insurance laws of the other state is subject to all requirements of ORS  
29 chapter 732.

30 “(4) The Director of the Department of Consumer and Business Services may, after notice and  
31 hearing, adopt reasonable rules not inconsistent with this section and ORS 750.003, 750.005, 750.025  
32 and 750.045 that are deemed necessary for the proper administration of these provisions.

33 “**SECTION 6.** ORS 750.333 is amended to read:

34 “750.333. (1) The following provisions of the Insurance Code apply to trusts carrying out a  
35 multiple employer welfare arrangement:

36 “(a) ORS 731.004 to 731.150, 731.162, 731.216 to 731.268, 731.296 to 731.316, 731.324, 731.328,  
37 731.378, 731.386, 731.390, 731.398, 731.406, 731.410, 731.414, 731.418 to 731.434, 731.454, 731.484,  
38 731.486, 731.488, 731.512, 731.574 to 731.620, 731.640 to 731.652, 731.804 to 731.992.

39 “(b) ORS 733.010 to 733.050, 733.140 to 733.170, 733.210, 733.510 to 733.680 and 733.695 to 733.780.

40 “(c) ORS chapter 734.

41 “(d) ORS 742.001 to 742.009, 742.013, 742.061 and 742.400.

42 “(e) ORS 743.028, 743.053, 743.524, 743.526, 743.527, 743.528, 743.529, 743.530, 743.560, 743.562,  
43 743.600, 743.601, 743.602, 743.610, 743.691, 743.693, 743.694, 743.699, 743.727, 743.728, 743.730 to  
44 743.773 (except 743.760 to 743.773), 743.793, 743.801, 743.804, 743.807, 743.808, 743.814 to 743.839,  
45 743.842, 743.845, 743.847, 743.854, 743.856, 743.857, 743.858, 743.859, 743.861, 743.862, 743.863 and

1 743.864.

2 “(f) ORS 743.556, 743.701, 743.703, 743.706, 743.707, 743.709, 743.710, 743.712, 743.713, 743.714,  
3 743.717, 743.718, 743.719, 743.721, 743.722, 743.725 and 743.726 **and section 2 of this 2007 Act.**  
4 Multiple employer welfare arrangements to which ORS 743.730 to 743.773 apply are subject to the  
5 sections referred to in this paragraph only as provided in ORS 743.730 to 743.773.

6 “(g) Provisions of ORS chapter 744 relating to the regulation of insurance producers and insur-  
7 ance consultants, and ORS 744.700 to 744.740.

8 “(h) ORS 746.005 to 746.140, 746.160 and 746.220 to 746.370.

9 “(i) ORS 731.592 and 731.594.

10 “(2) For the purposes of this section:

11 “(a) A trust carrying out a multiple employer welfare arrangement shall be considered an  
12 insurer.

13 “(b) References to certificates of authority shall be considered references to certificates of  
14 multiple employer welfare arrangement.

15 “(c) Contributions shall be considered premiums.

16 “(3) The provision of health benefits under ORS 750.301 to 750.341 shall be considered to be the  
17 transaction of health insurance.

18 “**SECTION 7.** ORS 750.333, as amended by section 4, chapter 263, Oregon Laws 2003, is  
19 amended to read:

20 “750.333. (1) The following provisions of the Insurance Code apply to trusts carrying out a  
21 multiple employer welfare arrangement:

22 “(a) ORS 731.004 to 731.150, 731.162, 731.216 to 731.268, 731.296 to 731.316, 731.324, 731.328,  
23 731.378, 731.386, 731.390, 731.398, 731.406, 731.410, 731.414, 731.418 to 731.434, 731.454, 731.484,  
24 731.486, 731.488, 731.512, 731.574 to 731.620, 731.640 to 731.652, 731.804 to 731.992.

25 “(b) ORS 733.010 to 733.050, 733.140 to 733.170, 733.210, 733.510 to 733.680 and 733.695 to 733.780.

26 “(c) ORS chapter 734.

27 “(d) ORS 742.001 to 742.009, 742.013, 742.061 and 742.400.

28 “(e) ORS 743.028, 743.053, 743.524, 743.526, 743.527, 743.528, 743.529, 743.530, 743.560, 743.562,  
29 743.600, 743.601, 743.602, 743.610, 743.691, 743.693, 743.694, 743.699, 743.727, 743.728, 743.730 to  
30 743.773 (except 743.760 to 743.773), 743.793, 743.801, 743.804, 743.807, 743.808, 743.814 to 743.839,  
31 743.842, 743.845, 743.847, 743.854, 743.856, 743.857, 743.858, 743.859, 743.861, 743.862, 743.863 and  
32 743.864.

33 “(f) ORS 743.556, 743.701, 743.703, 743.706, 743.707, 743.709, 743.710, 743.712, 743.713, 743.714,  
34 743.717, 743.718, 743.719, 743.721, 743.722 and 743.725 **and section 2 of this 2007 Act.** Multiple em-  
35 ployer welfare arrangements to which ORS 743.730 to 743.773 apply are subject to the sections re-  
36 ferred to in this paragraph only as provided in ORS 743.730 to 743.773.

37 “(g) Provisions of ORS chapter 744 relating to the regulation of insurance producers and insur-  
38 ance consultants, and ORS 744.700 to 744.740.

39 “(h) ORS 746.005 to 746.140, 746.160 and 746.220 to 746.370.

40 “(i) ORS 731.592 and 731.594.

41 “(2) For the purposes of this section:

42 “(a) A trust carrying out a multiple employer welfare arrangement shall be considered an  
43 insurer.

44 “(b) References to certificates of authority shall be considered references to certificates of  
45 multiple employer welfare arrangement.

1           “(c) Contributions shall be considered premiums.

2           “(3) The provision of health benefits under ORS 750.301 to 750.341 shall be considered to be the  
3 transaction of health insurance.

4           “**SECTION 8.** ORS 750.333, as amended by section 8, chapter 137, Oregon Laws 2003, section  
5 4, chapter 263, Oregon Laws 2003, section 3, chapter 446, Oregon Laws 2003, and section 6, chapter  
6 418, Oregon Laws 2005, is amended to read:

7           “750.333. (1) The following provisions of the Insurance Code apply to trusts carrying out a  
8 multiple employer welfare arrangement:

9           “(a) ORS 731.004 to 731.150, 731.162, 731.216 to 731.268, 731.296 to 731.316, 731.324, 731.328,  
10 731.378, 731.386, 731.390, 731.398, 731.406, 731.410, 731.414, 731.418 to 731.434, 731.454, 731.484,  
11 731.486, 731.488, 731.512, 731.574 to 731.620, 731.640 to 731.652, 731.804 to 731.992.

12           “(b) ORS 733.010 to 733.050, 733.140 to 733.170, 733.210, 733.510 to 733.680 and 733.695 to 733.780.

13           “(c) ORS chapter 734.

14           “(d) ORS 742.001 to 742.009, 742.013, 742.061 and 742.400.

15           “(e) ORS 743.028, 743.053, 743.524, 743.526, 743.527, 743.528, 743.529, 743.530, 743.560, 743.562,  
16 743.600, 743.601, 743.602, 743.610, 743.691, 743.693, 743.694, 743.699, 743.727, 743.728, 743.730 to  
17 743.773 (except 743.760 to 743.773), 743.793, 743.801, 743.804, 743.807, 743.808, 743.814 to 743.839,  
18 743.842, 743.845, 743.847, 743.854, 743.856, 743.857, 743.858, 743.859, 743.861, 743.862, 743.863 and  
19 743.864.

20           “(f) ORS 743.556, 743.701, 743.703, 743.706, 743.707, 743.709, 743.710, 743.712, 743.713, 743.714,  
21 743.717, 743.718, 743.719, 743.721 and 743.722 **and section 2 of this 2007 Act.** Multiple employer  
22 welfare arrangements to which ORS 743.730 to 743.773 apply are subject to the sections referred to  
23 in this paragraph only as provided in ORS 743.730 to 743.773.

24           “(g) Provisions of ORS chapter 744 relating to the regulation of insurance producers and insur-  
25 ance consultants, and ORS 744.700 to 744.740.

26           “(h) ORS 746.005 to 746.140, 746.160 and 746.220 to 746.370.

27           “(i) ORS 731.592 and 731.594.

28           “(2) For the purposes of this section:

29           “(a) A trust carrying out a multiple employer welfare arrangement shall be considered an  
30 insurer.

31           “(b) References to certificates of authority shall be considered references to certificates of  
32 multiple employer welfare arrangement.

33           “(c) Contributions shall be considered premiums.

34           “(3) The provision of health benefits under ORS 750.301 to 750.341 shall be considered to be the  
35 transaction of health insurance.”.

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