

House Bill 2811

Sponsored by Representative THATCHER; Representatives ESQUIVEL, HOYLE, SCHAUFLEER, WITT (at the request of Independent Medical Examination Association (IMEA)) (Pre-session filed.)

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 **as introduced**.

Eliminates requirement for Director of Department of Consumer and Business Services to adopt rules specifying training requirements for physicians conducting independent medical examinations in workers' compensation claims.

A BILL FOR AN ACT

1
2 Relating to training requirements for physicians performing independent medical examinations in
3 workers' compensation claims; amending ORS 656.328.

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 for
12 providers performing independent medical examinations if the appropriate health professional regu-
13 latory board has not adopted standards pertaining to independent medical examinations. The rules
14 adopted by the director under this subsection may be consistent with the guidelines of conduct
15 published by the Independent Medical Examination Association in effect on June 4, 2007. The deci-
16 sion of the director to exclude a provider from the list maintained under subsection (1) of this sec-
17 tion is subject to review under ORS 656.704.

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

22 (a) Professional licensing [*training*] requirements and educational materials for physicians partici-
23 pating in the workers' compensation system and conducting independent medical examinations
24 required under ORS 656.325 (1); and

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

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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.