

SENATE AMENDMENTS TO SENATE BILL 608

By COMMITTEE ON JUDICIARY

April 29

1 On page 1 of the printed bill, delete lines 5 through 28.

2 On page 2, delete lines 1 through 42 and insert:

3 **“SECTION 1. (1) As used in this section:**

4 **“(a) ‘Medical assistance’ has the meaning given that term in ORS 414.025.**

5 **“(b) ‘Medicare’ means medical coverage provided under Title XVIII of the Social Security**
6 **Act.**

7 **“(c)(A) ‘Practitioner’ means a physician licensed under ORS chapter 677 or a nurse**
8 **practitioner certified under ORS 678.375 who has a rural practice that meets criteria estab-**
9 **lished by the Office of Rural Health that applied as of January 1, 2004, for the purposes of**
10 **ORS 315.613.**

11 **“(B) ‘Practitioner’ does not include a physician or nurse practitioner who is located in**
12 **an urbanized area of Jackson County, as defined by the United States Census Bureau ac-**
13 **ording to the most recent federal decennial census taken pursuant to the authority of the**
14 **United States Department of Commerce under 13 U.S.C. 141(a), unless the practitioner is:**

15 **“(i) A physician who specializes in obstetrics or who specializes in family or general**
16 **practice and provides obstetrical services; or**

17 **“(ii) A nurse practitioner who is certified for obstetric care.**

18 **“(2) The Oregon Health Authority shall establish a program to provide payments to**
19 **medical professional liability insurance insurers to subsidize the cost of premiums charged**
20 **by the insurers to practitioners described in subsection (3) of this section.**

21 **“(3) A practitioner is eligible for a subsidy under this section if the practitioner:**

22 **“(a) Holds an active, unrestricted license or certification;**

23 **“(b) Is covered by a medical professional liability insurance policy issued by an authorized**
24 **insurer with minimum limits of coverage of \$1 million per occurrence and \$1 million annual**
25 **aggregate; and**

26 **“(c) Except for a nurse practitioner participating in the program who is employed by a**
27 **licensed physician, is willing to serve patients with Medicare coverage and patients receiving**
28 **medical assistance in at least the same proportion to the practitioner’s total number of pa-**
29 **tients as the Medicare and medical assistance populations represent of the total number of**
30 **individuals determined by the Office of Rural Health to be in need of care in the areas served**
31 **by the practice.**

32 **“(4) A practitioner whose medical professional liability insurance coverage is provided**
33 **through a health care facility, as defined in ORS 442.400, and who otherwise meets the re-**
34 **quirements of subsection (3) of this section is eligible for a subsidy if the office determines**
35 **that the practitioner:**

1 “(a) Is not an employee of the health care facility;

2 “(b) Is covered by a medical professional liability insurance policy that names the prac-
3 titioner and separately calculates the premium for the practitioner; and

4 “(c) Fully reimburses the health care facility for the premium calculated for the practi-
5 tioner.

6 “(5) The Oregon Health Authority shall contract with the Office of Rural Health to es-
7 tablish by rule criteria and procedures for an annual attestation by participating practition-
8 ers of compliance with the requirements of subsection (3)(c) of this section.

9 “SECTION 2. (1)(a) The amount of the subsidy paid by the Oregon Health Authority un-
10 der section 1 of this 2011 Act shall be a percentage of the actual premium charged for med-
11 ical professional liability insurance with limits of coverage of \$1 million per occurrence and
12 up to \$3 million annual aggregate. However, the premium subsidy for a practitioner referred
13 to in paragraph (b)(C) or (D) of this subsection shall be the lesser of the percentage of the
14 premium due or paid for the current calendar year and the premium paid in the previous
15 calendar year. When determining the lesser amount under this paragraph, any step increases
16 in the premium owing to the claims-made nature of the policy may not be considered.

17 “(b) The subsidy paid by the Oregon Health Authority under section 1 of this 2011 Act
18 shall be:

19 “(A) Eighty percent for physicians specializing in obstetrics and nurse practitioners cer-
20 tified for obstetric care;

21 “(B) Sixty percent for physicians specializing in family or general practice who provide
22 obstetrical services;

23 “(C) Forty percent for physicians and nurse practitioners engaging in one or more of the
24 following practices:

25 “(i) Family practice without obstetrical services;

26 “(ii) General practice without obstetrical services;

27 “(iii) Internal medicine;

28 “(iv) Geriatrics;

29 “(v) Pulmonary medicine;

30 “(vi) Pediatrics;

31 “(vii) General surgery; and

32 “(viii) Anesthesiology; and

33 “(D) Fifteen percent for physicians and nurse practitioners other than those included in
34 subparagraphs (A) to (C) of this paragraph.

35 “(2) If the funds available for the subsidy program are insufficient to provide the maxi-
36 mum premium subsidy for all practitioners who qualify for the program, the authority shall
37 reduce or eliminate subsidies for practitioners described in subsection (1)(b)(D) of this sec-
38 tion. If, after eliminating subsidies for practitioners described in subsection (1)(b)(D) of this
39 section, the funds are insufficient to provide the maximum premium subsidies for the re-
40 maining practitioners, the authority shall also reduce or eliminate the subsidies for practi-
41 tioners described in subsection (1)(b)(C) of this section.

42 “(3) An insurer shall reduce the premium charged to a practitioner by the amount of any
43 premium subsidy paid or to be paid under this section and section 1 of this 2011 Act.”.

44 On page 3, delete lines 10 through 13 and insert:

45 “SECTION 4. (1) Sections 1 and 2 of this 2011 Act become operative on January 1, 2012.

1 **“(2) The Oregon Health Authority and the Office of Rural Health may take any actions**
2 **on or after the effective date of this 2011 Act that are necessary to carry out the provisions**
3 **of sections 1 and 2 of this 2011 Act on January 1, 2012.”.**

4 In line 15, after “issued” insert “, in force”.

5 In line 22, after “developing” delete the rest of the line and insert “, implementing and admin-
6 istering the”.

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