

**B-Engrossed**  
**House Bill 2902**

Ordered by the Senate May 29  
Including House Amendments dated March 15 and Senate Amendments  
dated May 29

Sponsored by Representatives KOTEK, THOMPSON, Senators MONNES ANDERSON, KRUSE; Representatives CLEM, GREENLICK, HICKS, KENNEMER, LIVELY, PARRISH, TOMEI, Senators BATES, KNOPP, SHIELDS

**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 reimburse physician assistants and nurse practitioners in independent practices at same rate as physicians for same services. **Sunsets January 2, 2018.**

**Creates Task Force on Primary and Mental Health Care Reimbursement to study and make recommendations to 2014 and 2015 regular sessions of Legislative Assembly on payment structure for primary care and mental health care workforce in this state. Sunsets task force on convening of 2016 regular session of Legislative Assembly.**

**Declares emergency, effective on passage.**

**A BILL FOR AN ACT**

1  
2 Relating to equal pay for health practitioners; creating new provisions; amending ORS 743A.036; and  
3 declaring an emergency.

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

5 **SECTION 1.** ORS 743A.036 is amended to read:

6 743A.036. (1) Whenever any policy of health insurance provides for reimbursement for [*any ser-*  
7 *vice which is within the lawful scope of practice of a duly licensed and certified nurse practitioner,*  
8 *including prescribing or dispensing drugs*] **a primary care or mental health service provided by**  
9 **a licensed physician**, the insured under the policy is entitled to reimbursement for such service  
10 [*whether it is performed by a physician licensed by the Oregon Medical Board or by a duly licensed*  
11 *nurse practitioner*] **if provided by a licensed physician assistant or a certified nurse practitioner**  
12 **if the service is within the lawful scope of practice of the physician assistant or nurse prac-**  
13 **itioner.**

14 **(2)(a) The reimbursement of a service described in subsection (1) of this section that is**  
15 **provided by a licensed physician assistant or a certified nurse practitioner who is in an in-**  
16 **dependent practice shall be in the same amount as the reimbursement paid under the policy**  
17 **to a licensed physician performing the service in the area served.**

18 **(b) As used in this subsection, "independent practice" means the provision of health care**  
19 **services to patients in a setting in which the licensed physician assistant or the certified**  
20 **nurse practitioner bills insurers for services identified by diagnosis and procedure codes us-**  
21 **ing the physician assistant's or nurse practitioner's own name and national provider identi-**  
22 **fier.**

23 [(2)] **(3) This section does not apply to group practice health maintenance organizations that are**  
24 **federally qualified pursuant to Title XIII of the Health Maintenance Organization Act[.] or other**

**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 insurers that employ physicians, licensed physician assistants or certified nurse practitioners  
2 to provide primary care or mental health services and do not compensate such practitioners  
3 on a fee-for-service basis.

4 (4) An insurer may not reduce the reimbursement paid to a licensed physician in order  
5 to comply with this section.

6 **SECTION 2.** The amendments to ORS 743A.036 by section 1 of this 2013 Act apply:

7 (1) To services provided under contracts entered into or renewed on or after January 1,  
8 2014, and before January 1, 2018, by in-network, as defined in ORS 743.871, physician assist-  
9 ants or nurse practitioners.

10 (2) To services provided on or after January 1, 2014, and before January 1, 2018, by out-  
11 of-network, as defined in ORS 743.871, physician assistants or nurse practitioners.

12 **SECTION 3.** (1) There is created the Task Force on Primary and Mental Health Care  
13 Reimbursement consisting of 13 members as follows:

14 (a) Two members appointed by the President of the Senate from among the members of  
15 the Senate, including one member from the Democratic party and one member from the  
16 Republican party.

17 (b) Two members appointed by the Speaker of the House of Representatives from among  
18 the members of the House of Representatives, including one member from the Democratic  
19 party and one member from of the Republican party.

20 (c) Nine members appointed by the Governor, including representatives of:

21 (A) The Oregon Health Authority;

22 (B) The Governor;

23 (C) Two insurers other than insurers described in ORS 743A.036 (3), as amended by sec-  
24 tion 1 of this 2013 Act;

25 (D) A coordinated care organization;

26 (E) An organization that advocates on behalf of nurses;

27 (F) An organization that advocates on behalf of physicians;

28 (G) An organization that advocates on behalf of physician assistants; and

29 (H) Hospitals.

30 (2) The task force shall study and make recommendations for a payment structure for  
31 the reimbursement by insurers of licensed physicians, physician assistants and certified  
32 nurse practitioners. The payment structure must promote the maintenance and expansion  
33 of the primary care and mental health care workforce in this state and ensure that all pri-  
34 mary care and mental health practitioners are compensated fairly.

35 (3) A majority of the voting members of the task force constitutes a quorum for the  
36 transaction of business.

37 (4) Official action by the task force requires the approval of a majority of the voting  
38 members of the task force.

39 (5) The Governor shall select one member of the task force to serve as chairperson and  
40 another to serve as vice chairperson, for the terms and with the duties and powers necessary  
41 for the performance of the functions of such offices as the Governor determines.

42 (6) If there is a vacancy for any cause, the appointing authority shall make an appoint-  
43 ment to become immediately effective.

44 (7) Members of the Legislative Assembly appointed to the task force are nonvoting  
45 members of the task force and may act in an advisory capacity only.

1 (8) The task force shall meet at times and places specified by the call of the chairperson  
2 or of a majority of the voting members of the task force.

3 (9) The task force may adopt rules necessary for the operation of the task force.

4 (10) The task force shall report its findings and recommendations to the 2014 and 2015  
5 regular sessions of the Legislative Assembly.

6 (11) The staff of the Committee Services Office of Legislative Administration shall pro-  
7 vide administrative and technical support to the task force.

8 (12) Members of the task force who are not members of the Legislative Assembly or  
9 public officials are not entitled to compensation, but may be reimbursed for actual and nec-  
10 essary travel and other expenses incurred by them in the performance of their official duties  
11 in the manner and amounts provided for in ORS 292.495. Claims for expenses incurred in  
12 performing functions of the task force shall be paid out of funds appropriated to the Legis-  
13 lative Administration Committee for purposes of the task force.

14 (13) All agencies of state government, as defined in ORS 174.111, are directed to assist  
15 the task force in the performance of its duties and, to the extent permitted by laws relating  
16 to confidentiality, to furnish such information and advice as the members of the task force  
17 consider necessary to perform their duties.

18 **SECTION 4.** ORS 743A.036, as amended by section 1 of this 2013 Act, is amended to read:

19 743A.036. (1) Whenever any policy of health insurance provides for reimbursement for [*a primary*  
20 *care or mental health service provided by a licensed physician*] **any service that is within the lawful**  
21 **scope of practice of a duly licensed and certified nurse practitioner, including prescribing or**  
22 **dispensing drugs**, the insured under the policy is entitled to reimbursement for such service [*if*  
23 *provided by a licensed physician assistant or a certified nurse practitioner if the service is within the*  
24 *lawful scope of practice of the physician assistant or nurse practitioner*] **whether it is performed by**  
25 **a physician licensed by the Oregon Medical Board or by a duly licensed nurse practitioner.**

26 [(2)(a) *The reimbursement of a service described in subsection (1) of this section that is provided*  
27 *by a licensed physician assistant or a certified nurse practitioner who is in an independent practice*  
28 *shall be in the same amount as the reimbursement paid under the policy to a licensed physician per-*  
29 *forming the service in the area served.*]

30 [(b) *As used in this subsection, "independent practice" means the provision of health care services*  
31 *to patients in a setting in which the licensed physician assistant or the certified nurse practitioner bills*  
32 *insurers for services identified by diagnosis and procedure codes using the physician assistant's or*  
33 *nurse practitioner's own name and national provider identifier.*]

34 [(3)] (2) This section does not apply to group practice health maintenance organizations that are  
35 federally qualified pursuant to Title XIII of the Health Maintenance Organization Act. [*or other*  
36 *insurers that employ physicians, licensed physician assistants or certified nurse practitioners to provide*  
37 *primary care or mental health services and do not compensate such practitioners on a fee-for-service*  
38 *basis.*]

39 [(4) *An insurer may not reduce the reimbursement paid to a licensed physician in order to comply*  
40 *with this section.*]

41 **SECTION 5.** The amendments to ORS 743A.036 by section 4 of this 2013 Act become op-  
42 erative on January 2, 2018.

43 **SECTION 6.** Section 3 of this 2013 Act is repealed on the date of the convening of the 2016  
44 regular session of the Legislative Assembly as specified in ORS 171.010.

45 **SECTION 7.** This 2013 Act being necessary for the immediate preservation of the public

1 **peace, health and safety, an emergency is declared to exist, and this 2013 Act takes effect**  
2 **on its passage.**

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