

**PROPOSED AMENDMENTS TO
A-ENGROSSED HOUSE BILL 2902**

1 On page 1 of the printed A-engrossed bill, line 2, delete “and” and after
2 “743A.036” insert “; and declaring an emergency”.

3 Delete lines 4 through 23 and insert:

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

5 **“743A.036. (1) As used in this section:**

6 **“(a) ‘Practicing independently’ means providing health care services**
7 **to patients in a setting in which a physician assistant or a nurse**
8 **practitioner is not employed by or working directly with a licensed**
9 **physician.**

10 **“(b) ‘Rural and medically underserved area’ means an area:**

11 **“(A) That is outside the boundaries of a metropolitan statistical**
12 **area;**

13 **“(B) That is 30 or more highway miles from the closest hospital**
14 **within the major population center in a metropolitan statistical area;**

15 **“(C) That is in a county with a population of less than 75,000;**

16 **“(D) That has limited access to telemedicine services; or**

17 **“(E) For which there is evidence that primary care and mental**
18 **health services are not readily accessible.**

19 **“[(1)] (2) Whenever any [policy of health insurance] health benefit plan**
20 **as defined in ORS 743.730 provides for reimbursement for any service**
21 **[which] that is within the lawful scope of practice of a [duly] licensed**
22 **[and] physician assistant or a certified nurse practitioner, including pre-**

1 scribing or dispensing drugs, the insured under the policy is entitled to re-
2 imbursement for such service whether it is performed by a physician licensed
3 by the Oregon Medical Board or by a [*duly*] licensed **physician assistant**
4 **or certified** nurse practitioner.

5 “[(2) *This section does not apply to group practice health maintenance or-*
6 *ganizations that are federally qualified pursuant to Title XIII of the Health*
7 *Maintenance Organization Act.*]

8 “(3) **The reimbursement of a service provided by a licensed physi-**
9 **cian assistant or a certified nurse practitioner under subsection (2) of**
10 **this section shall be in an amount that is not less than 85 percent of**
11 **the amount paid under the policy to a licensed physician performing**
12 **the same service in the same geographic area. This subsection does**
13 **not require an insurer to reduce the reimbursement paid to a licensed**
14 **physician assistant or a certified nurse practitioner if the reimburse-**
15 **ment paid is greater than 85 percent of the amount paid to a licensed**
16 **physician.**

17 “(4) **An insurer shall establish:**

18 “(a) **Criteria for reimbursing a licensed physician assistant or a**
19 **certified nurse practitioner under a health benefit plan the same**
20 **amount as the reimbursement paid to a licensed physician performing**
21 **the same service in the same geographic area, if the licensed physician**
22 **assistant or the certified nurse practitioner:**

23 “(A) **Is providing primary care or mental health services; and**

24 “(B) **Is practicing independently in a rural and medically under-**
25 **served area; and**

26 “(b) **A process for a licensed physician assistant or certified nurse**
27 **practitioner to receive the reimbursement described in this subsection.**

28 “(5) **If a licensed physician assistant or a certified nurse practi-**
29 **tioner qualifies under subsection (4) of this section for reimbursement**
30 **in the same amount as the reimbursement paid to a licensed physi-**

1 cian, an insurer shall increase the reimbursement paid to the licensed
2 physician assistant or the certified nurse practitioner to equal the
3 amount paid to a licensed physician and may not reduce the re-
4 imbursement paid to a licensed physician in order to achieve equal
5 reimbursement amounts.

6 **“SECTION 2. (1) The Task Force on Access to Primary Care and**
7 **Mental Health Care is established, consisting of 11 members appointed**
8 **as follows:**

9 **“(a) The President of the Senate shall appoint one member from**
10 **among the members of the Senate who shall be a nonvoting member;**

11 **“(b) The Speaker of the House of Representatives shall appoint one**
12 **member from among the members of the House of Representatives**
13 **who shall be a nonvoting member; and**

14 **“(c) The Governor shall appoint nine members with expertise in the**
15 **effective delivery of primary care and mental health services in rural**
16 **and medically underserved areas as defined in ORS 743A.036, as fol-**
17 **lows:**

18 **“(A) One member representing certified nurse practitioners who**
19 **specialize in primary care;**

20 **“(B) One member representing certified nurse practitioners who**
21 **specialize in mental health services;**

22 **“(C) Two members representing licensed physician assistants;**

23 **“(D) Two members representing licensed physicians who provide**
24 **primary care;**

25 **“(E) One member representing licensed physicians who provide**
26 **mental health services;**

27 **“(F) One member representing an insurer that offers health benefit**
28 **plans, as defined in ORS 743.730; and**

29 **“(G) One member representing consumers of health care services.**

30 **“(2) The task force shall:**

1 “(a) Evaluate the nature and scope of access to primary care and
2 mental health services in rural and medically underserved areas of
3 this state;

4 “(b) Assess the role of certified nurse practitioners, licensed physi-
5 cian assistants, licensed psychiatrists and licensed primary care phy-
6 sicians in providing access to primary care and mental health services
7 in rural and medically underserved areas of this state; and

8 “(c) Report to the 2014 regular session of the Legislative Assembly
9 recommendations for increasing access to primary care and mental
10 health services in rural and medically underserved areas of this state,
11 including but not limited to recommendations regarding insurance
12 reimbursement for services provided by licensed physician assistants
13 and certified nurse practitioners.

14 “(3) A majority of the voting members of the task force constitutes
15 a quorum for the transaction of business.

16 “(4) Official action by the task force requires the approval of a
17 majority of the voting members of the task force.

18 “(5) The task force shall select one of its members to serve as
19 chairperson.

20 “(6) If there is a vacancy for any cause, the appointing authority
21 shall make an appointment to become immediately effective.

22 “(7) The task force shall meet at times and places specified by the
23 call of the chairperson or of a majority of the voting members of the
24 task force.

25 “(8) The Oregon Health Authority shall staff the task force.

26 “(9) The task force may adopt rules necessary for the operation of
27 the task force.

28 “SECTION 3. ORS 743A.036, as amended by section 1 of this 2013 Act,
29 is amended to read:

30 “743A.036. [(1) As used in this section:]

1 “[(a) *‘Practicing independently’ means providing health care services to*
2 *patients in a setting in which a physician assistant or a nurse practitioner is*
3 *not employed by or working directly with a licensed physician.*]

4 “[(b) *‘Rural and medically underserved area’ means an area.*]

5 “[(A) *That is outside the boundaries of a metropolitan statistical area;*]

6 “[(B) *That is 30 or more highway miles from the closest hospital within the*
7 *major population center in a metropolitan statistical area;*]

8 “[(C) *That is in a county with a population of less than 75,000;*]

9 “[(D) *That has limited access to telemedicine services; or*]

10 “[(E) *For which there is evidence that primary care and mental health*
11 *services are not readily accessible.*]

12 “[(2)] (1) Whenever any [*health benefit plan as defined in ORS 743.730*]
13 **policy of health insurance** provides for reimbursement for any service that
14 is within the lawful scope of practice of a [*licensed physician assistant or a*]
15 certified nurse practitioner, including prescribing or dispensing drugs, the
16 insured under the policy is entitled to reimbursement for such service
17 whether it is performed by a physician licensed by the Oregon Medical Board
18 or by a [*licensed physician assistant or*] certified nurse practitioner.

19 “[(3) *The reimbursement of a service provided by a licensed physician as-*
20 *stant or a certified nurse practitioner under subsection (2) of this section*
21 *shall be in an amount that is not less than 85 percent of the amount paid*
22 *under the policy to a licensed physician performing the same service in the*
23 *same geographic area. This subsection does not require an insurer to reduce*
24 *the reimbursement paid to a licensed physician assistant or a certified nurse*
25 *practitioner if the reimbursement paid is greater than 85 percent of the amount*
26 *paid to a licensed physician.*]

27 “[(4) *An insurer shall establish.*]

28 “[(a) *Criteria for reimbursing a licensed physician assistant or a certified*
29 *nurse practitioner under a health benefit plan the same amount as the re-*
30 *imbursement paid to a licensed physician performing the same service in the*

1 same geographic area, if the licensed physician assistant or the certified nurse
2 practitioner:]

3 “[A] Is providing primary care or mental health services; and]

4 “[B] Is practicing independently in a rural and medically underserved
5 area; and]

6 “[b] A process for a licensed physician assistant or certified nurse practi-
7 tioner to receive the reimbursement described in this subsection.]

8 “[5] If a licensed physician assistant or a certified nurse practitioner
9 qualifies under subsection (4) of this section for reimbursement in the same
10 amount as the reimbursement paid to a licensed physician, an insurer shall
11 increase the reimbursement paid to the licensed physician assistant or the
12 certified nurse practitioner to equal the amount paid to a licensed physician
13 and may not reduce the reimbursement paid to a licensed physician in order
14 to achieve equal reimbursement amounts.]

15 “(2) This section does not apply to group practice health mainte-
16 nance organizations that are federally qualified pursuant to Title XIII
17 of the Health Maintenance Organization Act.”.

18 In line 24, delete “2” and insert “4”.

19 On page 2, after line 2, insert:

20 “**SECTION 5. Sections 2 and 4 of this 2013 Act are repealed on July**
21 **1, 2015.**

22 “**SECTION 6. The amendments to ORS 743A.036 by section 3 of this**
23 **2013 Act become operative on July 1, 2015.**

24 “**SECTION 7. This 2013 Act being necessary for the immediate**
25 **preservation of the public peace, health and safety, an emergency is**
26 **declared to exist, and this 2013 Act takes effect on its passage.”.**

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