

**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 In line 23, delete the period and insert “or other insurers that employ
4 physicians, licensed physician assistants or certified nurse practitioners to
5 provide primary care or mental health services and do not compensate such
6 practitioners on a fee-for-service basis.

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

9 In line 25, delete “the effective”.

10 In line 26, delete “date of this 2013 Act” and insert “January 1, 2014, and
11 before January 1, 2018,”.

12 On page 2, line 1, delete “the effective date of this 2013 Act” and insert
13 “January 1, 2014, and before January 1, 2018,”.

14 After line 2, insert:

15 **“SECTION 3. (1) There is created the Task Force on Primary and**
16 **Mental Health Care Reimbursement consisting of 13 members as fol-**
17 **lows:**

18 **“(a) Two members appointed by the President of the Senate from**
19 **among the members of the Senate, including one member from the**
20 **Democratic party and one member from the Republican party.**

21 **“(b) Two members appointed by the Speaker of the House of Rep-**
22 **resentatives from among the members of the House of Represen-**

1 **tatives, including one member from the Democratic party and one**
2 **member from of the Republican party.**

3 **“(c) Nine members appointed by the Governor, including represen-**
4 **tatives of:**

5 **“(A) The Oregon Health Authority;**

6 **“(B) The Governor;**

7 **“(C) Two insurers other than insurers described in ORS 743A.036 (3),**
8 **as amended by section 1 of this 2013 Act;**

9 **“(D) A coordinated care organization;**

10 **“(E) An organization that advocates on behalf of nurses;**

11 **“(F) An organization that advocates on behalf of physicians;**

12 **“(G) An organization that advocates on behalf of physician assist-**
13 **ants; and**

14 **“(H) Hospitals.**

15 **“(2) The task force shall study and make recommendations for a**
16 **payment structure for the reimbursement by insurers of licensed**
17 **physicians, physician assistants and certified nurse practitioners. The**
18 **payment structure must promote the maintenance and expansion of**
19 **the primary care and mental health care workforce in this state and**
20 **ensure that all primary care and mental health practitioners are**
21 **compensated fairly.**

22 **“(3) A majority of the voting members of the task force constitutes**
23 **a quorum for the transaction of business.**

24 **“(4) Official action by the task force requires the approval of a**
25 **majority of the voting members of the task force.**

26 **“(5) The Governor shall select one member of the task force to**
27 **serve as chairperson and another to serve as vice chairperson, for the**
28 **terms and with the duties and powers necessary for the performance**
29 **of the functions of such offices as the Governor determines.**

30 **“(6) If there is a vacancy for any cause, the appointing authority**

1 shall make an appointment to become immediately effective.

2 “(7) Members of the Legislative Assembly appointed to the task
3 force are nonvoting members of the task force and may act in an ad-
4 visory capacity only.

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

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

10 “(10) The task force shall report its findings and recommendations
11 to the regular sessions of the 2014 and 2015 Legislative Assemblies.

12 “(11) The staff of the Committee Services Office of Legislative Ad-
13 ministration shall provide administrative and technical support to the
14 task force.

15 “(12) Members of the task force who are not members of the Leg-
16 islative Assembly or public officials are not entitled to compensation,
17 but may be reimbursed for actual and necessary travel and other ex-
18 penses incurred by them in the performance of their official duties in
19 the manner and amounts provided for in ORS 292.495. Claims for ex-
20 penses incurred in performing functions of the task force shall be paid
21 out of funds appropriated to the Legislative Administration Committee
22 for purposes of the task force.

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

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

30 “743A.036. (1) Whenever any policy of health insurance provides for re-

1 imbursement for [*a primary care or mental health service provided by a li-*
2 *censed physician*] **any service that is within the lawful scope of practice**
3 **of a duly licensed and certified nurse practitioner, including prescrib-**
4 **ing or dispensing drugs**, the insured under the policy is entitled to re-
5 imbursement for such service [*if provided by a licensed physician assistant*
6 *or a certified nurse practitioner if the service is within the lawful scope of*
7 *practice of the physician assistant or nurse practitioner*] **whether it is per-**
8 **formed by a physician licensed by the Oregon Medical Board or by a**
9 **duly licensed nurse practitioner.**

10 “[(2)(a) *The reimbursement of a service described in subsection (1) of this*
11 *section that is provided by a licensed physician assistant or a certified nurse*
12 *practitioner who is in an independent practice shall be in the same amount*
13 *as the reimbursement paid under the policy to a licensed physician performing*
14 *the service in the area served.*]

15 “[*(b) As used in this subsection, ‘independent practice’ means the provision*
16 *of health care services to patients in a setting in which the licensed physician*
17 *assistant or the certified nurse practitioner bills insurers for services identified*
18 *by diagnosis and procedure codes using the physician assistant’s or nurse*
19 *practitioner’s own name and national provider identifier.*]

20 “[*(3)*] **(2)** This section does not apply to group practice health mainte-
21 nance organizations that are federally qualified pursuant to Title XIII of the
22 Health Maintenance Organization Act. [*or other insurers that employ phy-*
23 *sicians, licensed physician assistants or certified nurse practitioners to provide*
24 *primary care or mental health services and do not compensate such practi-*
25 *tioners on a fee-for-service basis.*]

26 [(4) *An insurer may not reduce the reimbursement paid to a licensed phy-*
27 *sician in order to comply with this section.*]

28 **“SECTION 5. The amendments to ORS 743A.036 by section 4 of this**
29 **2013 Act become operative on January 2, 2018.**

30 **“SECTION 6. Section 3 of this 2013 Act is repealed on the date of**

1 **the convening of the 2016 regular session of the Legislative Assembly**
2 **as specified in ORS 171.010.**

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

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