

**PROPOSED AMENDMENTS TO  
HOUSE BILL 2902**

1 In line 2 of the printed bill, after “743A.036” insert “, 750.055 and 750.333;  
2 repealing ORS 743A.036”.

3 Delete lines 14 through 17 and insert:

4 “(2) An insurer shall establish a process by which a licensed physician  
5 assistant and a certified nurse practitioner can qualify to receive re-  
6 imbursement under a health benefit plan that is in the same amount as the  
7 reimbursement paid to a licensed physician performing the same service in  
8 the same geographic area, if the physician assistant or nurse practitioner:

9 “(a) Is credentialed to be an in-network provider for the insurer;

10 “(b) Is providing primary care or mental health services; and

11 “(c) Is practicing independently.

12 “(3) If a physician assistant or nurse practitioner qualifies for re-  
13 imbursement in the same amount as a physician under subsection (2) of this  
14 section, an insurer shall increase the reimbursement paid to the physician  
15 assistant or nurse practitioner to equal the amount paid to a physician and  
16 may not reduce the reimbursement paid to a physician in order to achieve  
17 equal reimbursement amounts.”.

18 In line 18, delete “(3)” and insert “(4)”.

19 After line 19, insert:

20 “(5) As used in this section, ‘practicing independently’ means providing  
21 health care services to patients in a setting in which the physician assistant  
22 or nurse practitioner is not employed by another health care provider, other

1 than a business entity owned by the nurse practitioner, and is not working  
2 directly with a licensed physician.

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

6 **“(a) The President of the Senate shall appoint two members of the**  
7 **Senate, one from the majority party and one from the minority party,**  
8 **who shall be nonvoting members;**

9 **“(b) The Speaker of the House of Representatives shall appoint two**  
10 **members of the House of Representatives, one from the majority party**  
11 **and one from the minority party, who shall be nonvoting members;**  
12 **and**

13 **“(c) The Governor shall appoint seven members with expertise in**  
14 **the effective delivery of primary care and mental health services in**  
15 **rural and medically underserved areas, as follows:**

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

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

20 **“(C) One member representing licensed physician assistants;**

21 **“(D) One member representing licensed physicians who provide**  
22 **primary care;**

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

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

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

28 **“(2) The task force shall:**

29 **“(a) Evaluate the nature and scope of access to primary care and**  
30 **mental health services in rural and medically underserved areas of the**

1 state;

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

6 “(c) Report to the 2014 regular session of the Legislative Assembly  
7 recommendations for increasing access to primary care and mental  
8 health services in rural and medically underserved areas of this state,  
9 including but not limited to recommendations relating to:

10 “(A) Sustainable business models for primary care;

11 “(B) Sustainable rates of reimbursement paid to primary care and  
12 mental health service providers by insurers;

13 “(C) The use of performance-based outcomes;

14 “(D) Models using capitation-based reimbursement methodologies;  
15 and

16 “(E) Ensuring adequate insurance reimbursement paid to nurse  
17 practitioners and physician assistants.

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

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

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

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

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

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

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

1 **the task force.**

2 **“SECTION 3.** ORS 750.055, as amended by section 3, chapter 21, Oregon  
3 Laws 2012, is amended to read:

4 “750.055. (1) The following provisions of the Insurance Code apply to  
5 health care service contractors to the extent not inconsistent with the ex-  
6 press provisions of ORS 750.005 to 750.095:

7 “(a) ORS 705.137, 705.139, 731.004 to 731.150, 731.162, 731.216 to 731.362,  
8 731.382, 731.385, 731.386, 731.390, 731.398 to 731.430, 731.428, 731.450, 731.454,  
9 731.488, 731.504, 731.508, 731.509, 731.510, 731.511, 731.512, 731.574 to 731.620,  
10 731.592, 731.594, 731.640 to 731.652, 731.730, 731.731, 731.735, 731.737, 731.750,  
11 731.752, 731.804, 731.844 to 731.992, 731.870 and 743.061.

12 “(b) ORS 732.215, 732.220, 732.230, 732.245, 732.250, 732.320, 732.325 and  
13 732.517 to 732.592, not including ORS 732.582.

14 “(c) ORS 733.010 to 733.050, 733.080, 733.140 to 733.170, 733.210, 733.510 to  
15 733.680 and 733.695 to 733.780.

16 “(d) ORS chapter 734.

17 “(e) ORS 742.001 to 742.009, 742.013, 742.061, 742.065, 742.150 to 742.162,  
18 742.400, 742.520 to 742.540, 743.010, 743.013, 743.018 to 743.030, 743.050, 743.100  
19 to 743.109, 743.402, 743.472, 743.492, 743.495, 743.498, 743.499, 743.522, 743.523,  
20 743.524, 743.526, 743.527, 743.528, 743.529, 743.549 to 743.552, 743.560, 743.600  
21 to 743.610, 743.650 to 743.656, 743.764, 743.804, 743.807, 743.808, 743.814 to  
22 743.839, 743.842, 743.845, 743.847, 743.854, 743.856, 743.857, 743.858, 743.859,  
23 743.861, 743.862, 743.863, 743.864, 743.894, 743.911, 743.912, 743.913, 743.917,  
24 743A.010, 743A.012, 743A.020, 743A.034, [743A.036,] 743A.048, 743A.058,  
25 743A.062, 743A.064, 743A.065, 743A.066, 743A.068, 743A.070, 743A.080,  
26 743A.084, 743A.088, 743A.090, 743A.100, 743A.104, 743A.105, 743A.110,  
27 743A.140, 743A.141, 743A.144, 743A.148, 743A.160, 743A.164, 743A.168,  
28 743A.170, 743A.175, 743A.184, 743A.185, 743A.188, 743A.190 and 743A.192 and  
29 section 2, chapter 21, Oregon Laws 2012.

30 “(f) The provisions of ORS chapter 744 relating to the regulation of in-

1 surance producers.

2 “(g) ORS 746.005 to 746.140, 746.160, 746.220 to 746.370, 746.600, 746.605,  
3 746.607, 746.608, 746.610, 746.615, 746.625, 746.635, 746.650, 746.655, 746.660,  
4 746.668, 746.670, 746.675, 746.680 and 746.690.

5 “(h) ORS 743A.024, except in the case of group practice health mainte-  
6 nance organizations that are federally qualified pursuant to Title XIII of the  
7 Public Health Service Act unless the patient is referred by a physician as-  
8 sociated with a group practice health maintenance organization.

9 “(i) ORS 735.600 to 735.650.

10 “(j) ORS 743.680 to 743.689.

11 “(k) ORS 744.700 to 744.740.

12 “(L) ORS 743.730 to 743.773.

13 “(m) ORS 731.485, except in the case of a group practice health mainte-  
14 nance organization that is federally qualified pursuant to Title XIII of the  
15 Public Health Service Act and that wholly owns and operates an in-house  
16 drug outlet.

17 “(2) For the purposes of this section, health care service contractors shall  
18 be deemed insurers.

19 “(3) Any for-profit health care service contractor organized under the  
20 laws of any other state that is not governed by the insurance laws of the  
21 other state is subject to all requirements of ORS chapter 732.

22 “(4) The Director of the Department of Consumer and Business Services  
23 may, after notice and hearing, adopt reasonable rules not inconsistent with  
24 this section and ORS 750.003, 750.005, 750.025 and 750.045 that are deemed  
25 necessary for the proper administration of these provisions.

26 “**SECTION 4.** ORS 750.333, as amended by section 4, chapter 21, Oregon  
27 Laws 2012, is amended to read:

28 “750.333. (1) The following provisions of the Insurance Code apply to  
29 trusts carrying out a multiple employer welfare arrangement:

30 “(a) ORS 731.004 to 731.150, 731.162, 731.216 to 731.268, 731.296 to 731.316,

1 731.324, 731.328, 731.378, 731.386, 731.390, 731.398, 731.406, 731.410, 731.414,  
2 731.418 to 731.434, 731.454, 731.484, 731.486, 731.488, 731.512, 731.574 to 731.620,  
3 731.640 to 731.652, 731.804 to 731.992 and 743.061.

4 “(b) ORS 733.010 to 733.050, 733.140 to 733.170, 733.210, 733.510 to 733.680  
5 and 733.695 to 733.780.

6 “(c) ORS chapter 734.

7 “(d) ORS 742.001 to 742.009, 742.013, 742.061 and 742.400.

8 “(e) ORS 743.028, 743.053, 743.499, 743.524, 743.526, 743.527, 743.528, 743.529,  
9 743.530, 743.560, 743.562, 743.600, 743.601, 743.602, 743.610, 743.730 to 743.773  
10 (except 743.760 to 743.773), 743.801, 743.804, 743.807, 743.808, 743.814 to 743.839,  
11 743.842, 743.845, 743.847, 743.854, 743.856, 743.857, 743.858, 743.859, 743.861,  
12 743.862, 743.863, 743.864, 743.894, 743.912, 743.917, 743A.012, 743A.020,  
13 743A.034, 743A.052, 743A.064, 743A.065, 743A.080, 743A.100, 743A.104,  
14 743A.110, 743A.144, 743A.170, 743A.175, 743A.184 and 743A.192 and section 2,  
15 chapter 21, Oregon Laws 2012.

16 “(f) ORS 743A.010, 743A.014, 743A.024, 743A.028, 743A.032, [743A.036],  
17 743A.040, 743A.048, 743A.058, 743A.066, 743A.068, 743A.070, 743A.084,  
18 743A.088, 743A.090, 743A.105, 743A.140, 743A.141, 743A.148, 743A.168,  
19 743A.180, 743A.185, 743A.188 and 743A.190. Multiple employer welfare ar-  
20 rangements to which ORS 743.730 to 743.773 apply are subject to the sections  
21 referred to in this paragraph only as provided in ORS 743.730 to 743.773.

22 “(g) Provisions of ORS chapter 744 relating to the regulation of insurance  
23 producers and insurance consultants, and ORS 744.700 to 744.740.

24 “(h) ORS 746.005 to 746.140, 746.160 and 746.220 to 746.370.

25 “(i) ORS 731.592 and 731.594.

26 “(j) ORS 731.870.

27 “(2) For the purposes of this section:

28 “(a) A trust carrying out a multiple employer welfare arrangement shall  
29 be considered an insurer.

30 “(b) References to certificates of authority shall be considered references

1 to certificates of multiple employer welfare arrangement.

2 “(c) Contributions shall be considered premiums.

3 “(3) The provision of health benefits under ORS 750.301 to 750.341 shall  
4 be considered to be the transaction of health insurance.”.

5 In line 20, delete “2” and insert “5”.

6 After line 25, insert:

7 **“SECTION 6. The amendments to ORS 750.055 and 750.333 by  
8 sections 3 and 4 of this 2013 Act become operative July 1, 2015.**

9 **“SECTION 7. ORS 743A.036 and section 2 of this 2013 Act are re-  
10 pealed July 1, 2015.”.**

11 In line 26, delete “3” and insert “8”.

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