

House Bill 3301

Sponsored by Representative LIVELY

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 **as introduced**.

Requires insurer to permit naturopathic physician to determine whether naturopathic physician is primary care provider or specialty care provider for purposes of insurer credentials. Adds primary care to definition of "naturopathic medicine."

A BILL FOR AN ACT

1
2 Relating to naturopathic physicians; creating new provisions; and amending ORS 685.010, 750.055
3 and 750.333.

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

5 **SECTION 1. Section 2 of this 2015 Act is added to and made a part of the Insurance Code.**

6 **SECTION 2. An insurer shall provide a naturopathic physician the choice of being cre-**
7 **dentialed by the insurer as a primary care provider or as a specialty care provider.**

8 **SECTION 3. ORS 685.010 is amended to read:**

9 685.010. As used in this chapter:

10 (1) "Accredited naturopathic school or college" means *[any]* a naturopathic school or college
11 *[offering]* **that offers** a four-year full-time resident program of study in naturopathy **that:**

12 (a) **Leads** *[leading]* to a doctoral degree in naturopathic medicine*[,]*; **and**

13 (b) **Is** *[such program having been]* approved by the Oregon Board of Naturopathic Medicine to
14 meet the standards specifically incorporated into board rules.

15 (2) "Drugs" includes:

16 (a) Substances recognized as drugs in the official United States Pharmacopoeia, official National
17 Formulary, official Homeopathic Pharmacopoeia of the United States, other drug compendium or any
18 supplement to any of them;

19 (b) Substances intended for use in the diagnosis, cure, mitigation, treatment or prevention of
20 disease in a human;

21 (c) Substances, other than food, intended to affect the structure or any function of the body of
22 humans; and

23 (d) Substances intended for use as a component of any substance specified in paragraph (a), (b)
24 or (c) of this subsection.

25 (3) "Minor surgery" means the use of electrical or other methods for the surgical repair and
26 care incident thereto of superficial lacerations and abrasions, benign superficial lesions*[,]* and the
27 removal of foreign bodies located in the superficial structures; and the use of antiseptics and local
28 anesthetics in connection therewith.

29 (4) "Naturopathic medicine" means the discipline that includes physiotherapy, natural healing
30 processes, *[and]* minor surgery and **primary care** and has as its objective the maintaining of the
31 body in, or of restoring it to, a state of normal health.

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 (5) “Naturopathic physician” means a person who holds a degree of Doctor of Naturopathic
 2 Medicine and is licensed under this chapter.

3 **SECTION 4.** ORS 750.055, as amended by section 5, chapter 25, Oregon Laws 2014, and section
 4 80, chapter 45, Oregon Laws 2014, is amended to read:

5 750.055. (1) The following provisions of the Insurance Code apply to health care service con-
 6 tractors to the extent not inconsistent with the express 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, 731.382, 731.385, 731.386,
 8 731.390, 731.398 to 731.430, 731.428, 731.450, 731.454, 731.488, 731.504, 731.508, 731.509, 731.510,
 9 731.511, 731.512, 731.574 to 731.620, 731.592, 731.594, 731.640 to 731.652, 731.730, 731.731, 731.735,
 10 731.737, 731.750, 731.752, 731.804, 731.844 to 731.992, 731.870 and 743.061.

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

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

15 (d) ORS chapter 734.

16 (e) ORS 742.001 to 742.009, 742.013, 742.061, 742.065, 742.150 to 742.162, 742.400, 742.520 to
 17 742.540, 743.010, 743.013, 743.018 to 743.030, 743.050, 743.100 to 743.109, 743.402, 743.472, 743.492,
 18 743.495, 743.498, 743.499, 743.522, 743.523, 743.524, 743.526, 743.527, 743.528, 743.529, 743.550 to
 19 743.552, 743.560, 743.600 to 743.610, 743.650 to 743.656, 743.764, 743.804, 743.807, 743.808, 743.814 to
 20 743.839, 743.845, 743.847, 743.854, 743.856, 743.857, 743.858, 743.859, 743.861, 743.862, 743.863, 743.864,
 21 743.894, 743.911, 743.912, 743.913, 743.917, 743A.010, 743A.012, 743A.020, 743A.034, 743A.036,
 22 743A.048, 743A.058, 743A.062, 743A.064, 743A.065, 743A.066, 743A.068, 743A.070, 743A.080, 743A.082,
 23 743A.084, 743A.088, 743A.090, 743A.100, 743A.104, 743A.105, 743A.110, 743A.140, 743A.141, 743A.144,
 24 743A.148, 743A.150, 743A.160, 743A.164, 743A.168, 743A.170, 743A.175, 743A.184, 743A.185, 743A.188,
 25 743A.190, 743A.192 and 743A.250 and section 2, chapter 771, Oregon Laws 2013, and section 2,
 26 chapter 25, Oregon Laws 2014, **and section 2 of this 2015 Act.**

27 (f) The provisions of ORS chapter 744 relating to the regulation of insurance producers.

28 (g) ORS 746.005 to 746.140, 746.160, 746.220 to 746.370, 746.600, 746.605, 746.607, 746.608, 746.610,
 29 746.615, 746.625, 746.635, 746.650, 746.655, 746.660, 746.668, 746.670, 746.675, 746.680 and 746.690.

30 (h) ORS 743A.024, except in the case of group practice health maintenance organizations that
 31 are federally qualified pursuant to Title XIII of the Public Health Service Act unless the patient is
 32 referred by a physician, physician assistant or nurse practitioner associated with a group practice
 33 health maintenance organization.

34 (i) ORS 735.600 to 735.650.

35 (j) ORS 743.680 to 743.689.

36 (k) ORS 744.700 to 744.740.

37 (L) ORS 743.730 to 743.773.

38 (m) ORS 731.485, except in the case of a group practice health maintenance organization that
 39 is federally qualified pursuant to Title XIII of the Public Health Service Act and that wholly owns
 40 and operates an in-house drug outlet.

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

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

45 (4) The Director of the Department of Consumer and Business Services may, after notice and

1 hearing, adopt reasonable rules not inconsistent with this section and ORS 750.003, 750.005, 750.025
2 and 750.045 that are deemed necessary for the proper administration of these provisions.

3 **SECTION 5.** ORS 750.055, as amended by section 33, chapter 698, Oregon Laws 2013, section
4 6, chapter 25, Oregon Laws 2014, and section 81, chapter 45, Oregon Laws 2014, is amended to read:

5 750.055. (1) The following provisions of the Insurance Code apply to health care service con-
6 tractors to the extent not inconsistent with the express 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, 731.382, 731.385, 731.386,
8 731.390, 731.398 to 731.430, 731.428, 731.450, 731.454, 731.488, 731.504, 731.508, 731.509, 731.510,
9 731.511, 731.512, 731.574 to 731.620, 731.592, 731.594, 731.640 to 731.652, 731.730, 731.731, 731.735,
10 731.737, 731.750, 731.752, 731.804, 731.844 to 731.992, 731.870 and 743.061.

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

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

15 (d) ORS chapter 734.

16 (e) ORS 742.001 to 742.009, 742.013, 742.061, 742.065, 742.150 to 742.162, 742.400, 742.520 to
17 742.540, 743.010, 743.013, 743.018 to 743.030, 743.050, 743.100 to 743.109, 743.402, 743.472, 743.492,
18 743.495, 743.498, 743.499, 743.522, 743.523, 743.524, 743.526, 743.527, 743.528, 743.529, 743.550, 743.552,
19 743.560, 743.600 to 743.610, 743.650 to 743.656, 743.764, 743.804, 743.807, 743.808, 743.814 to 743.839,
20 743.845, 743.847, 743.854, 743.856, 743.857, 743.858, 743.859, 743.861, 743.862, 743.863, 743.864, 743.894,
21 743.911, 743.912, 743.913, 743.917, 743A.010, 743A.012, 743A.020, 743A.034, 743A.036, 743A.048,
22 743A.058, 743A.062, 743A.064, 743A.065, 743A.066, 743A.068, 743A.070, 743A.080, 743A.082, 743A.084,
23 743A.088, 743A.090, 743A.100, 743A.104, 743A.105, 743A.110, 743A.140, 743A.141, 743A.144, 743A.148,
24 743A.150, 743A.160, 743A.164, 743A.168, 743A.170, 743A.175, 743A.184, 743A.185, 743A.188, 743A.190,
25 743A.192 and 743A.250 and section 2, chapter 771, Oregon Laws 2013, and section 2, chapter 25,
26 Oregon Laws 2014, **and section 2 of this 2015 Act.**

27 (f) The provisions of ORS chapter 744 relating to the regulation of insurance producers.

28 (g) ORS 746.005 to 746.140, 746.160, 746.220 to 746.370, 746.600, 746.605, 746.607, 746.608, 746.610,
29 746.615, 746.625, 746.635, 746.650, 746.655, 746.660, 746.668, 746.670, 746.675, 746.680 and 746.690.

30 (h) ORS 743A.024, except in the case of group practice health maintenance organizations that
31 are federally qualified pursuant to Title XIII of the Public Health Service Act unless the patient is
32 referred by a physician, physician assistant or nurse practitioner associated with a group practice
33 health maintenance organization.

34 (i) ORS 743.680 to 743.689.

35 (j) ORS 744.700 to 744.740.

36 (k) ORS 743.730 to 743.773.

37 (L) ORS 731.485, except in the case of a group practice health maintenance organization that is
38 federally qualified pursuant to Title XIII of the Public Health Service Act and that wholly owns and
39 operates an in-house drug outlet.

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

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

44 (4) The Director of the Department of Consumer and Business Services may, after notice and
45 hearing, adopt reasonable rules not inconsistent with this section and ORS 750.003, 750.005, 750.025

1 and 750.045 that are deemed necessary for the proper administration of these provisions.

2 **SECTION 6.** ORS 750.055, as amended by section 33, chapter 698, Oregon Laws 2013, section
3 21, chapter 771, Oregon Laws 2013, section 7, chapter 25, Oregon Laws 2014, and section 82, chapter
4 45, Oregon Laws 2014, is amended to read:

5 750.055. (1) The following provisions of the Insurance Code apply to health care service con-
6 tractors to the extent not inconsistent with the express 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, 731.382, 731.385, 731.386,
8 731.390, 731.398 to 731.430, 731.428, 731.450, 731.454, 731.488, 731.504, 731.508, 731.509, 731.510,
9 731.511, 731.512, 731.574 to 731.620, 731.592, 731.594, 731.640 to 731.652, 731.730, 731.731, 731.735,
10 731.737, 731.750, 731.752, 731.804, 731.844 to 731.992, 731.870 and 743.061.

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

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

15 (d) ORS chapter 734.

16 (e) ORS 742.001 to 742.009, 742.013, 742.061, 742.065, 742.150 to 742.162, 742.400, 742.520 to
17 742.540, 743.010, 743.013, 743.018 to 743.030, 743.050, 743.100 to 743.109, 743.402, 743.472, 743.492,
18 743.495, 743.498, 743.499, 743.522, 743.523, 743.524, 743.526, 743.527, 743.528, 743.529, 743.550, 743.552,
19 743.560, 743.600 to 743.610, 743.650 to 743.656, 743.764, 743.804, 743.807, 743.808, 743.814 to 743.839,
20 743.845, 743.847, 743.854, 743.856, 743.857, 743.858, 743.859, 743.861, 743.862, 743.863, 743.864, 743.894,
21 743.911, 743.912, 743.913, 743.917, 743A.010, 743A.012, 743A.020, 743A.034, 743A.036, 743A.048,
22 743A.058, 743A.062, 743A.064, 743A.065, 743A.066, 743A.068, 743A.070, 743A.080, 743A.082, 743A.084,
23 743A.088, 743A.090, 743A.100, 743A.104, 743A.105, 743A.110, 743A.140, 743A.141, 743A.144, 743A.148,
24 743A.150, 743A.160, 743A.164, 743A.168, 743A.170, 743A.175, 743A.184, 743A.185, 743A.188, 743A.190,
25 743A.192 and 743A.250 and section 2, chapter 25, Oregon Laws 2014, **and section 2 of this 2015**
26 **Act.**

27 (f) The provisions of ORS chapter 744 relating to the regulation of insurance producers.

28 (g) ORS 746.005 to 746.140, 746.160, 746.220 to 746.370, 746.600, 746.605, 746.607, 746.608, 746.610,
29 746.615, 746.625, 746.635, 746.650, 746.655, 746.660, 746.668, 746.670, 746.675, 746.680 and 746.690.

30 (h) ORS 743A.024, except in the case of group practice health maintenance organizations that
31 are federally qualified pursuant to Title XIII of the Public Health Service Act unless the patient is
32 referred by a physician, physician assistant or nurse practitioner associated with a group practice
33 health maintenance organization.

34 (i) ORS 743.680 to 743.689.

35 (j) ORS 744.700 to 744.740.

36 (k) ORS 743.730 to 743.773.

37 (L) ORS 731.485, except in the case of a group practice health maintenance organization that is
38 federally qualified pursuant to Title XIII of the Public Health Service Act and that wholly owns and
39 operates an in-house drug outlet.

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

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

44 (4) The Director of the Department of Consumer and Business Services may, after notice and
45 hearing, adopt reasonable rules not inconsistent with this section and ORS 750.003, 750.005, 750.025

1 and 750.045 that are deemed necessary for the proper administration of these provisions.

2 **SECTION 7.** ORS 750.333, as amended by section 8, chapter 25, Oregon Laws 2014, is amended
3 to read:

4 750.333. (1) The following provisions of the Insurance Code apply to trusts carrying out a mul-
5 tiple employer welfare arrangement:

6 (a) ORS 731.004 to 731.150, 731.162, 731.216 to 731.268, 731.296 to 731.316, 731.324, 731.328,
7 731.378, 731.386, 731.390, 731.398, 731.406, 731.410, 731.414, 731.418 to 731.434, 731.454, 731.484,
8 731.486, 731.488, 731.512, 731.574 to 731.620, 731.640 to 731.652, 731.804 to 731.992 and 743.061.

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

10 (c) ORS chapter 734.

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

12 (e) ORS 743.028, 743.053, 743.499, 743.524, 743.526, 743.527, 743.528, 743.529, 743.530, 743.560,
13 743.562, 743.600, 743.601, 743.602, 743.610, 743.730 to 743.773 (except 743.766 to 743.773), 743.801,
14 743.804, 743.807, 743.808, 743.814 to 743.839, 743.845, 743.847, 743.854, 743.856, 743.857, 743.858,
15 743.859, 743.861, 743.862, 743.863, 743.864, 743.894, 743.912, 743.917, 743A.012, 743A.020, 743A.034,
16 743A.052, 743A.064, 743A.065, 743A.080, 743A.082, 743A.100, 743A.104, 743A.110, 743A.144, 743A.150,
17 743A.170, 743A.175, 743A.184, 743A.192 and 743A.250 and section 2, chapter 25, Oregon Laws 2014,
18 **and section 2 of this 2015 Act.**

19 (f) ORS 743A.010, 743A.014, 743A.024, 743A.028, 743A.032, 743A.036, 743A.040, 743A.048,
20 743A.058, 743A.066, 743A.068, 743A.070, 743A.084, 743A.088, 743A.090, 743A.105, 743A.140, 743A.141,
21 743A.148, 743A.168, 743A.180, 743A.185, 743A.188 and 743A.190. Multiple employer welfare arrange-
22 ments to which ORS 743.730 to 743.773 apply are subject to the sections referred to in this para-
23 graph only as provided in ORS 743.730 to 743.773.

24 (g) Provisions of ORS chapter 744 relating to the regulation of insurance producers and insur-
25 ance consultants, and ORS 744.700 to 744.740.

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

27 (i) ORS 731.592 and 731.594.

28 (j) ORS 731.870.

29 (2) For the purposes of this section:

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

31 (b) References to certificates of authority shall be considered references to certificates of mul-
32 tiple employer welfare arrangement.

33 (c) Contributions shall be considered premiums.

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

36 **SECTION 8. Section 2 of this 2015 Act and the amendments to ORS 750.055 and 750.333**
37 **by sections 4 to 7 of this 2015 Act apply to contracts entered into, renewed or extended be-**
38 **tween naturopathic physicians and insurers on and after the effective date of this 2015 Act.**
39