

# House Bill 4015

Introduced and printed pursuant to House Rule 12.00. Pre-session filed (at the request of House Interim Committee on Health Care)

## 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**.

Allows vision care insurer to restrict or limit vision care provider's choice of supplier for covered services and allows insurer to require vision care provider to participate in one vision care insurance plan or discount card program.

## A BILL FOR AN ACT

1  
2 Relating to vision care insurance; amending ORS 743B.406.

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

4 **SECTION 1.** ORS 743B.406 is amended to read:

5 743B.406. (1) As used in this section:

6 (a) "Contractual discount" means a percentage reduction, required under a contract with an  
7 insurer, in a vision care provider's usual and customary rate for vision care services and materials  
8 **provided to individuals enrolled in vision care insurance.**

9 (b) "Discount card" means a card or other purchasing mechanism or device that is not insurance  
10 or a discount medical plan, as defined in ORS 742.420, that purports to offer discounts or access to  
11 discounts in health-related purchases from health care providers.

12 (c) "Materials" includes, but is not limited to:

13 (A) Lenses;

14 (B) Devices containing lenses;

15 (C) Contact lenses;

16 (D) Prisms;

17 (E) Lens treatments and contact lens coatings;

18 (F) Orthopedic or prosthetic devices to correct, relieve or treat defects or abnormal conditions  
19 of the human eye or adnexa; and

20 (G) Vision training.

21 (d) "Vision care insurance" means a health benefit plan or a policy or certificate of insurance  
22 that covers vision care services and materials.

23 (e) "Vision care provider" includes:

24 (A) A person licensed to practice optometry under ORS chapter 683; and

25 (B) A physician licensed under ORS chapter 677 to practice medicine or osteopathy who has  
26 completed a residency program in ophthalmology.

27 (f) "Vision care services" means services provided by a vision care provider within the scope  
28 of the provider's license to practice optometry or ophthalmology.

29 (2) A contract between a vision care provider and an entity that offers vision care insurance  
30 or a vision care discount card may not:

**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 (a) *[Limit or specify the fee that a vision care provider may charge for]* **With respect to** vision  
2 care services or materials that are not reimbursed, in whole or in part, by the vision care insurance  
3 or discount card:

4 **(A) Limit or specify the fee that a vision care provider may charge; or**

5 **(B) Directly or indirectly restrict or limit a vision care provider's choice of suppliers of**  
6 **materials.**

7 *[(b) Require a vision care provider to participate in one vision care insurance plan or discount card*  
8 *program as a condition for participating in another insurance plan.]*

9 *[(c)]* **(b)** Change the terms, the contractual discount or the reimbursement rates, under vision  
10 care insurance or a vision care discount card, without a signed acknowledgment that the vision care  
11 provider agrees to the changes.

12 *[(d) Directly or indirectly restrict or limit a vision care provider's choice of suppliers of*  
13 *materials.]*

14 (3) This section does not prohibit the use of a discount card by a patient of a vision care pro-  
15 vider if:

16 (a) The enrollment of the vision care provider is:

17 (A) Completely voluntary; and

18 (B) Not conditioned upon the vision care provider's participation in any other discount card  
19 program with different provider terms and conditions or in another insurance plan; and

20 (b) The discount card program does not reimburse the vision care provider for the cost of the  
21 vision care services that were discounted.

22 **(4) This section does not prohibit an entity that offers vision care insurance from en-**  
23 **tering into an agreement with a vision care provider to offer a contractual discount on vision**  
24 **care services or materials that are not reimbursed, in whole or in part, by the vision care**  
25 **insurance if the agreement is:**

26 **(a) Completely voluntary; and**

27 **(b) Not a condition of participation in the insurer's network of providers.**

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