

HB 4015-1
(LC 128)
2/1/16 (LHF/ps)

Requested by HOUSE COMMITTEE ON HEALTH CARE (at the request of Paul Cosgrove)

**PROPOSED AMENDMENTS TO
HOUSE BILL 4015**

1 On page 1 of the printed bill, line 2, delete the period and insert “; and
2 declaring an emergency.”.

3 Delete lines 4 through 30 and delete page 2 and insert:

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
7 a contract with an insurer, in a vision care provider’s usual and customary
8 rate for vision care services and materials **provided to individuals enrolled**
9 **in vision care insurance.**

10 “(b) ‘Discount card’ means a card or other purchasing mechanism or de-
11 vice that is not insurance or a discount medical plan, as defined in ORS
12 742.420, that purports to offer discounts or access to discounts in health-
13 related purchases from health care providers.

14 “(c) ‘Materials’ includes, but is not limited to:

15 “(A) Lenses;

16 “(B) Devices containing lenses;

17 “(C) Contact lenses;

18 “(D) Prisms;

19 “(E) Lens treatments and contact lens coatings;

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

1 “(G) Vision training.

2 “(d) ‘Vision care insurance’ means a health benefit plan or a policy or
3 certificate of insurance that covers vision care services and materials.

4 “(e) ‘Vision care provider’ includes:

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

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

8 “(f) ‘Vision care services’ means services provided by a vision care pro-
9 vider within the scope of the provider’s license to practice optometry or
10 ophthalmology.

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

13 “(a) Limit or specify the fee that a vision care provider may charge for
14 vision care services or materials that are not reimbursed, in whole or in part,
15 by the vision care insurance or discount card.

16 “[*(b) Require a vision care provider to participate in one vision care in-
17 surance plan or discount card program as a condition for participating in an-
18 other insurance plan.*]

19 “**(b) Require a vision care provider to join the entity’s health benefit
20 plan provider network for the sole purpose of credentialing the pro-
21 vider to participate in the entity’s vision care insurance plan.**

22 “(c) Change the terms, the contractual discount or the reimbursement
23 rates, under vision care insurance or a vision care discount card, without
24 [*a signed acknowledgment that the vision care provider agrees to*] **advance
25 notice to the vision care provider regarding** the changes.

26 “[*(d) Directly or indirectly restrict or limit a vision care provider’s choice
27 of suppliers of materials.*]

28 “(3) This section does not prohibit the use of a discount card by a patient
29 of a vision care provider if:

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

1 “(A) Completely voluntary; and

2 “(B) Not conditioned upon the vision care provider’s participation in any
3 other discount card program with different provider terms and conditions or
4 in another insurance plan; and

5 “(b) The discount card program does not reimburse the vision care pro-
6 vider for the cost of the vision care services that were discounted.

7 **“(4) Subsection (2)(b) of this section does not prohibit an entity that
8 offers a health benefit plan from contracting with an entity that offers
9 vision care insurance or a vision care discount card to use the vision
10 care provider network of the latter entity.**

11 **“(5) A vision care provider may not charge patients who use a
12 contractual discount a fee that is higher than the vision care
13 provider’s usual and customary rate for vision care services or mate-
14 rials.**

15 **“SECTION 2. This 2016 Act being necessary for the immediate
16 preservation of the public peace, health and safety, an emergency is
17 declared to exist, and this 2016 Act takes effect on its passage.”.**

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