

# MEMORANDUM

February 9, 2017

To: Rep. Paul Holvey, Chair  
House Business and Labor Committee

From: Lou Savage, Administrator

Subject: Follow up information HB 2335

At your Feb. 6, 2017, hearing on HB 2335, a question was asked about whether nurse practitioners can be medical arbiters. The short answer is no.

ORS 656.268 limits the type of providers who can be an arbiter. Only medical doctors, doctors of osteopathy, podiatric physicians and surgeons, and oral and maxillofacial surgeons may be medical arbiters. The statutory references are below and relevant parts are highlighted.

**ORS 656.268(8)(d)** The arbiter, or panel of medical arbiters, shall be chosen from among a list of physicians qualified to be attending physicians referred to in **ORS 656.005 (12)(b)(A)** who were selected by the director in consultation with the Oregon Medical Board and the committee referred to in ORS 656.790.

**ORS 656.268(12)(a)** “Doctor” or “physician” means a person duly licensed to practice one or more of the healing arts in any country or in any state, territory or possession of the United States within the limits of the license of the licentiate.

(b) Except as otherwise provided for workers subject to a managed care contract, “attending physician” means a doctor, physician or physician assistant who is primarily responsible for the treatment of a worker’s compensable injury and who is:

(A) A medical doctor or doctor of osteopathy licensed under ORS 677.100 to 677.228 by the Oregon Medical Board, or a podiatric physician and surgeon licensed under ORS 677.805 to 677.840 by the Oregon Medical Board, an oral and maxillofacial surgeon licensed by the Oregon Board of Dentistry or a similarly licensed doctor in any country or in any state, territory or possession of the United States; or

(B) For a cumulative total of 60 days from the first visit on the initial claim or for a cumulative total of 18 visits, whichever occurs first, to any of the medical service providers listed in this subparagraph, a:

(i) Doctor or physician licensed by the State Board of Chiropractic Examiners for the State of Oregon under ORS chapter 684 or a similarly licensed doctor or physician in any country or in any state, territory or possession of the United States;

(ii) Physician assistant licensed by the Oregon Medical Board in accordance with ORS 677.505 to 677.525 or a similarly licensed physician assistant in any country or in any state, territory or possession of the United States; or

(iii) Doctor of naturopathy or naturopathic physician licensed by the Oregon Board of Naturopathic Medicine under ORS chapter 685 or a similarly licensed doctor or physician in any country or in any state, territory or possession of the United States.

Please let me know if you have additional questions.