

LC 241  
2026 Regular Session  
1/6/26 (RH/DJ/SCT/  
ASD/htl/ps)

# D R A F T

## SUMMARY

Digest: The Act changes the rules for how certain health care is given in this state. The Act alters how certain health care providers are licensed or regulated. The Act changes some insurance rules. The Act changes some pharmacy and drug rules. The Act takes effect when signed. (Flesch Readability Score: 79.7).

Modifies the requirements for screening a hospital patient for presumptive eligibility for financial assistance.

Prohibits the Oregon Health Authority from requiring certain home health agencies to comply with Medicare conditions of participation.

Modifies the requirements for how the Department of Human Services must publish Residential Care Quality Measurement Program data.

Removes the requirement that an applicant for a residential care facility administrator license hold a bachelor's degree in a health or social service related field.

Allows a person residing in a correctional facility to receive prerelease medical assistance benefits under certain circumstances.

Prohibits the authority or a coordinated care organization from requiring prior authorization for medical assistance coverage for repairing complex rehabilitation technology if the repair costs \$1,500 or less.

Modifies the requirements for meetings held by the Health Evidence Review Commission.

Modifies the composition of the Medicaid Advisory Committee.

Modifies the eligibility requirements for parent providers who are paid to provide attendant care services to their children.

Prohibits a coordinated care organization or dental subcontractor from preventing an oral health care provider from informing consumers about their choice of providers.

Allows a full-time dentistry student enrolled in an out-of-state dental education program to practice dentistry without a license if the student is supervised by a faculty member of a dental education program accredited by the Commission on Dental Accreditation of the American Dental Assoc-

**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.

ation.

Requires casualty or health insurance policies to provide coverage for medically necessary anesthesia services, regardless of duration, for any covered procedures.

Requires dental insurers to follow certain rules for payment and denial of claims.

Requires the Legislative Policy and Research Director to develop and propose to the Legislative Policy and Research Committee an insurance coverage mandate impact statement policy. Directs the committee to perform due diligence in considering the proposal and authorizes the committee to modify the proposal if the committee so determines, and then to adopt the policy.

Repeals requirement that enrollees in individual or group policies or certificates of health insurance or members of coordinated care organizations be assigned by insurer or organization to primary care providers under certain circumstances.

Specifies exemptions from the requirement that pharmacy services administrative organizations must register with the Department of Consumer and Business Services as third party administrators.

Provides that the Governor shall select the chairperson of the Prescription Drug Affordability Board.

Allows licensees of the Occupational Therapy Licensing Board and the Oregon Board of Physical Therapy to provide psilocybin services as licensed psilocybin service facilitators while providing occupational therapy or physical therapy services.

Authorizes a naturopathic physician to prescribe durable medical equipment and admit a patient to a hospital. Lowers the age at which a naturopathic physician may request a retired license status from 70 years of age to 60 years of age.

Includes nurse practitioners and physician associates in the definition of “attending physician” for purposes of the treatment of workers’ compensable injuries.

Declares an emergency, effective on passage.

A BILL FOR AN ACT

Relating to health care; creating new provisions; amending ORS 411.447, 414.074, 414.211, 414.572, 414.690, 414.773, 427.191, 442.615, 443.085, 443.446, 475A.325, 475A.338, 475A.372, 646A.693, 656.005, 656.214, 656.245, 656.250, 656.252, 656.262, 656.268, 656.325, 656.340, 656.726, 656.797, 657.170, 659A.043, 659A.046, 659A.049, 659A.063, 678.733, 679.025, 685.100, 685.102, 743B.456, 744.702, 750.055 and 750.333 and section 5, chapter 575, Oregon

1 Laws 2015; repealing ORS 743A.310 and 743B.221; and declaring an emer-  
2 gency.

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

4

5 **HOSPITALS**

6

7 **SECTION 1.** ORS 442.615 is amended to read:

8 442.615. (1) As used in this section:

9 (a) "Financial assistance" includes:

10 (A) Charity care, as defined in ORS 442.601; or

11 (B) An adjustment to a patient's costs for care under ORS 442.614 (1)(a).

12 (b) "Hospital" has the meaning given that term in ORS 442.612.

13 (2) Using the process prescribed by the Oregon Health Authority under  
14 subsection (3) of this section, a hospital licensed under ORS 441.025 shall  
15 screen a patient for presumptive eligibility for financial assistance if the  
16 patient:

17 (a) Is uninsured;

18 (b) Is enrolled in the state medical assistance program; or

19 (c) Owes the hospital more than [\$500] **\$1,500 for a single hospital en-**  
20 **counter.**

21 (3) The authority shall adopt by rule the process for screening a patient  
22 for presumptive eligibility for financial assistance under subsection (2) of  
23 this section. The rules and process must:

24 (a) Prohibit a hospital from requiring a patient to provide documentation  
25 or other verification;

26 (b) Ensure that the process will not cause any negative impact on the  
27 patient's credit score;

28 (c) Require a hospital, before sending a bill to the patient, to conduct the  
29 screening and apply any financial assistance for which the patient qualifies  
30 to the bill; and

31 (d) Require the hospital to notify a patient if the patient has been

1 screened and to explain to the patient, in language approved by the author-  
2 ity, how to apply for financial assistance if financial assistance was denied,  
3 or how to apply for additional financial assistance above what the patient  
4 received.

5 (4) A patient may apply for financial assistance:

6 (a) If the patient was screened for presumptive eligibility for financial  
7 assistance and was found not to be eligible or the patient disagrees with the  
8 amount of the financial assistance that was offered;

9 (b) If a patient was not screened for presumptive eligibility for financial  
10 assistance; or

11 (c) Any time up to 12 months after a patient pays for the services that  
12 the hospital provided.

13 (5) A hospital may require a patient who applies for financial assistance  
14 under subsection (4) of this section to provide documentation or verification  
15 of information reported as necessary for the hospital to determine the  
16 patient's eligibility for financial assistance.

17 (6) If a patient applies for financial assistance after having paid for the  
18 services and the patient is found to have been eligible for financial assist-  
19 ance when the services were provided:

20 (a) The hospital shall refund the amount of financial assistance for which  
21 the patient qualified;

22 (b) If the hospital previously determined, incorrectly, that the patient did  
23 not qualify for financial assistance for the services based on information  
24 provided by the patient at the time of the incorrect determination, the hos-  
25 pital shall also pay the patient interest on the amount of financial assistance  
26 at the rate set by the Federal Reserve and any other associated reasonable  
27 costs, such as legal expenses and fees, incurred by the patient in securing  
28 financial assistance; and

29 (c) If the hospital sold the debt to a collection agency or authorized a  
30 collection agency to collect debts on behalf of the hospital, the hospital shall  
31 notify the collection agency that the debt is invalid.

1       (7) If a patient applies for financial assistance and the hospital determines  
2       that the patient is eligible for financial assistance based on documentation  
3       provided by the patient, the patient's eligibility for financial assistance  
4       continues for nine months following the hospital's determination, and the  
5       patient may not be required to reapply for financial assistance for services  
6       provided during that nine-month period.

7 (8)(a) A hospital must have a written process that is in plain English, and  
8 in other languages as required by law, for a patient to appeal a hospital's  
9 denial of financial assistance, in whole or in part, and that allows the pa-  
10 tient, or an individual acting on behalf of the patient, to correct any defi-  
11 ciencies in documentation or to request a review of the denial by the  
12 hospital's chief financial officer or the chief financial officer's designee. The  
13 authority shall prescribe by rule the requirements for the appeal process.

14 (b) If a hospital denies a patient's application for financial assistance,  
15 whether in whole or in part, the hospital must notify the patient of the de-  
16 nial and include in the notice an explanation of the hospital's appeal process.

(9) During the pendency of an appeal that is filed using a hospital's appeal process under subsection (8) of this section, if:

19 (a) The hospital has initiated collection activities, the hospital must sus-  
20 pend all collection activities; and

21 (b) The hospital sold the debt under appeal to a collection agency or has  
22 authorized a collection agency to collect debts on behalf of the hospital, the  
23 hospital must notify the collection agency to suspend collection activities.

## HOME HEALTH AND RESIDENTIAL CARE

27 **SECTION 2.** ORS 443.085 is amended to read:

443.085. (1) **Except as provided in subsection (2) of this section**, the Oregon Health Authority shall adopt rules to implement ORS 443.014 to 443.105 including, but not limited to:

31 [1/1] (a) The qualifications of professional and ancillary personnel in or-

1 der to adequately furnish home health services;  
2 [(2)] (b) Standards for the organization and quality of client care;  
3 [(3)] (c) Procedures for maintaining records;  
4 [(4)] (d) Provision for contractual arrangements for professional and an-  
5 cillary health services; and  
6 [(5)] (e) Complaint and inspection procedures.

7 **(2) The authority may not require a home health agency to comply**  
8 **with the conditions of participation prescribed by the Centers for**  
9 **Medicare and Medicaid Services under 42 C.F.R. 484 unless the home**  
10 **health agency is certified by the Centers for Medicare and Medicaid**  
11 **Services.**

12 **SECTION 3.** ORS 443.446 is amended to read:

13 443.446. (1) The Residential Care Quality Measurement Program is estab-  
14 lished in the Department of Human Services. Under the program, the de-  
15 partment shall, no later than July 1 of each year, publish an annual report,  
16 based on data reported by each residential care facility under subsection (2)  
17 of this section. Excluding data that identifies a resident, the report must  
18 include data compilation, illustration and narratives to:

19 (a) Describe statewide patterns and trends that emerge from the data re-  
20 ported to the department under subsection (2) of this section and compliance  
21 data maintained by the department;

22 (b) Identify residential care facilities that substantially failed to report  
23 data as required by this section;

24 (c) Allow residential care facilities and the public to compare a residen-  
25 tial care facility's performance on each quality metric, by demographics, ge-  
26 ographic region, facility type and other categories the department believes  
27 may be useful to consumers and facilities;

28 (d) Show trends in performance on each of the quality metrics;

29 (e) Identify patterns of performance by geographic regions and other cat-  
30 egories the department believes will be useful to consumers;

31 (f) Identify the number, severity and scope of regulatory violations by

1 each geographic region; and

2 (g) Show average timelines for surveys and for investigations of abuse or  
3 regulatory noncompliance.

4 (2) Each residential care facility shall report, no later than January 31  
5 of each year and in the form and manner prescribed by the Quality Meas-  
6 urement Council established under ORS 443.447, the quality metrics devel-  
7 oped by the council under ORS 443.447.

8 (3) The department shall make available an annual report to each resi-  
9 dential care facility that reports quality metrics under subsection (2) of this  
10 section using data compilation, illustration and narratives to allow the res-  
11 idential care facility to measure and compare its quality metrics over time.

12 (4)(a) The department shall make available to the public in a standard  
13 format and in plain language the data reported by each residential care fa-  
14 cility, excluding information that identifies a resident.

15 **(b) The department shall post on its website the information de-  
16 scribed in subsection (1)(c) of this section in an easily accessible  
17 manner that allows consumers and facilities to search for and compare  
18 a residential care facility's performance on each quality metric.**

19 (5) The department shall, using moneys from the Quality Care Fund es-  
20 tablished under ORS 443.001:

21 (a) Develop online training modules to address the top two statewide is-  
22 sues identified by surveys or reviews of residential care facilities during the  
23 previous year; and

24 (b) Post and regularly update the data used to prepare the report de-  
25 scribed in subsection (1) of this section.

26 (6) The Quality Measurement Council, in consultation with the depart-  
27 ment, shall establish a uniform system for residential care facilities to report  
28 quality metrics as required by subsection (2) of this section. The system  
29 must:

30 (a) Allow for electronic reporting of data, to the greatest extent practi-  
31 cable; and

1       (b) Take into account and utilize existing data reporting systems used by  
2 residential care facilities.

3       (7)(a) Quality metric data reported to the department under this section  
4 may not be used as the basis for an enforcement action by the department  
5 nor may the data be disclosed to another agency for use in an enforcement  
6 or regulatory action.

7       (b) Quality metric data are not admissible as evidence in any civil action,  
8 including but not limited to judicial, administrative, arbitration or mediation  
9 proceedings.

10      (c) Quality metric data reported to the department are not subject to:

11       (A) Civil or administrative subpoena; or

12       (B) Discovery in connection with a civil action, including but not limited  
13 to judicial, administrative, arbitration or mediation proceedings.

14      (8) Subsection (7) of this section does not exempt a residential care fa-  
15 cility from complying with state law or prohibit the department's use of  
16 quality metric data obtained from another source in the normal course of  
17 business or compliance activity.

18      **SECTION 4.** ORS 678.733 is amended to read:

19      678.733. (1) The Health Licensing Office may issue a residential care fa-  
20 cility administrator license to an applicant who:

21       (a) Is at least 21 years of age;

22       (b) Has earned at least a high school diploma or its equivalent, as indi-  
23 cated by evidence of the following, in a form deemed sufficient by the office:

24       (A) Completion of high school or an equivalent educational level;

25       (B) Passage of an approved high school equivalency test, including but  
26 not limited to the General Educational Development (GED) test; or

27       (C) Graduation from a post-secondary institution;

28       (c)(A) For at least two of the last five years has been employed in a pro-  
29 fessional or managerial capacity in a health or social service related field,  
30 or has a combination of experience and education deemed sufficient by the  
31 office; or

1 (B) Has earned at least a bachelor's degree [*in a health or social service*  
2 *related field*];

3 (d) Has completed at least 40 hours of training approved by the office by  
4 rule;

5 (e) Pays a licensure fee; and

6 (f) Passes an examination described in ORS 678.743.

(2) Evidence of the education described in subsection (1)(b) of this section may be provided by a diploma or other document, or by facts, circumstances or other indicators deemed sufficient by the office.

10 (3) When issuing a license under this section, the office shall consider the  
11 qualifications for employment under ORS 443.004.

12        **SECTION 5.** The amendments to ORS 678.733 by section 4 of this  
13 2026 Act apply to applications for licensure under ORS 678.733 submit-  
14 ted to the Health Licensing Office on or after the effective date of this  
15 2026 Act.

**16      SECTION 6. (1) The amendments to ORS 678.733 by section 4 of this**

**17      **2026 Act become operative on January 1, 2027.****

18       **(2) The Health Licensing Office make take any action before the**  
19 **operative date specified in subsection (1) of this section that is neces-**  
20 **sary to enable the office to exercise, on and after the operative date**  
21 **specified in subsection (1) of this section, all of the duties, functions**  
22 **and powers conferred on the office by the amendments to ORS 678.733**  
23 **by section 4 of this 2026 Act.**

## MEDICAL ASSISTANCE

27 **SECTION 7.** ORS 411.447 is amended to read:

28 411.447. (1) As used in this section, "correctional facility" means:

29 (a) A local correctional facility as defined in ORS 169.005;

30 (b) A Department of Corrections institution as defined in ORS 421.005;

31 or

1       (c) A youth correction facility as defined in ORS 162.135.

2       (2) The Department of Human Services or the Oregon Health Authority

3       shall:

4       **(a) Suspend, instead of terminate, the medical assistance of a person who**

5       is residing in a correctional facility; **or**

6       **(b) Enroll the person in the appropriate benefits package based on**

7       **the person's eligibility for prerelease benefits, as authorized by federal**

8       **law.**

9       (3) Upon notification that a person described in subsection (2) of this

10      section is not residing in a correctional facility or that the person is admit-

11      ted to a medical institution outside of the correctional facility for a period

12      of hospitalization, the department or the authority shall reinstate the

13      *[person's medical assistance if the person is eligible for medical assistance]*

14      **medical assistance benefits for which the person is eligible at the time**

15      **of release or hospitalization.**

16      (4)(a) A designee of a correctional facility may apply for medical assist-

17      ance on behalf of a person, while the person is residing in the correctional

18      facility, for the purpose of establishing eligibility for medical assistance

19      **prior to release, with full benefits** upon the person's release from the

20      correctional facility or during a period of hospitalization that will occur

21      outside of the correctional facility.

22      (b) The designee may obtain information necessary to determine eligibility

23      for medical assistance, including the person's Social Security number or in-

24      formation that is not otherwise subject to disclosure under ORS 411.320 or

25      413.175. The information obtained under this paragraph may be used only for

26      the purpose of assisting the person in applying for medical assistance and

27      may not be redisclosed without the person's authorization.

28      *[(c) If the person is determined eligible for medical assistance, the effective*

29      *date of the person's medical assistance shall be the date the person is released*

30      *from the correctional facility or the date the person begins the period of*

31      *hospitalization outside of the correctional facility.]*

1       (5) This section does not extend eligibility to an otherwise ineligible  
2 person or extend medical assistance to a person if matching federal funds  
3 are not available to pay for the medical assistance.

4       **SECTION 8.** ORS 414.074 is amended to read:

5       414.074. (1) As used in this section, “complex rehabilitation technology”  
6 means manual or power wheelchair systems, adaptive seating systems, alter-  
7 native positioning systems, adaptive strollers, standing frames, gait trainers  
8 or specifically designated options or accessories that are:

9       (a) Classified as durable medical equipment; and

10       (b) Individually configured for a specific individual to meet the  
11 individual’s unique medical, physical or functional needs and capacities for  
12 basic activities of daily living and instrumental activities of daily living,  
13 including employment.

14       *[(2) The Oregon Health Authority or a coordinated care organization shall  
15 make a determination on a request for prior authorization for medical assist-  
16 ance coverage for the cost to repair complex rehabilitation technology within  
17 72 hours after receiving the request.]*

18       **(2) The Oregon Health Authority or a coordinated care organization**  
19 **may not require prior authorization for medical assistance coverage**  
20 **for the cost to repair complex rehabilitation technology if the cost is**  
21 **\$1,500 or less.**

22       **(3)(a) The authority or a coordinated care organization may require**  
23 **prior authorization for medical assistance coverage for the cost to re-**  
24 **pair complex rehabilitation technology if the cost is greater than**  
25 **\$1,500.**

26       **(b) If the authority or a coordinated care organization requires**  
27 **prior authorization under paragraph (a) of this subsection, the au-**  
28 **thority or the coordinated care organization shall approve or deny a**  
29 **prior authorization request made under this section within 72 hours**  
30 **after receiving the request.**

31       **SECTION 9.** ORS 414.690 is amended to read:

1        414.690. (1) The Health Evidence Review Commission shall regularly so-  
2   licit **and provide meaningful opportunity for** testimony and information  
3   from stakeholders representing consumers, advocates, providers, carriers and  
4   employers in conducting the work of the commission.

5        **(2)(a) No less than 14 days before a meeting, the Oregon Health**  
6   **Authority shall post to the authority's website and to the website of**  
7   **the commission:**

8        **(A) The agenda for the meeting; and**

9        **(B) A list of all recommendations before the commission for review,**  
10   **including, but not limited to:**

11        **(i) A drug or drug class review;**

12        **(ii) A technology review; and**

13        **(iii) Coverage guidance.**

14        **(b) Once the authority has posted an agenda under this subsection,**  
15   **the agenda may not be changed.**

16        [(2)] **(3)(a) The commission shall actively solicit public involvement**  
17   **through a public meeting process to guide health resource allocation deci-**  
18   **sions [that includes, but is not limited to.], in which the public is invited**  
19   **to testify in writing and in person. The authority shall post to the**  
20   **commission's website and provide each commission member with the**  
21   **written comments received from the public no later than 48 hours af-**  
22   **ter the close of the public comment period.**

23        **(b) The public meeting process described in this subsection shall**  
24   **include, but not be limited to:**

25        [(a)] **(A) Providing members of the public the opportunity to provide input**  
26   **on the selection of any vendor that provides research and analysis to the**  
27   **commission; and**

28        [(b)] **(B) Inviting public comment on any research or analysis tool or**  
29   **health economic measures to be relied upon by the commission in the**  
30   **commission's decision-making.**

31        [(3)(a)] **(4)(a) The commission shall develop and maintain a list of health**

1 services ranked by priority, from the most important to the least important,  
2 representing the comparative benefits of each service to the population to  
3 be served.

4 (b) Except as provided in ORS 414.701, the commission may not rely upon  
5 any quality of life in general measures, either directly or by considering re-  
6 search or analysis that relies on a quality of life in general measure, in de-  
7 termining:

- 8 (A) Whether a service is cost-effective;
- 9 (B) Whether a service is recommended; or
- 10 (C) The value of a service.

11 (c) The list must be submitted by the commission pursuant to subsection  
12 [(5)] (6) of this section and is not subject to alteration by any other state  
13 agency.

14 [(4)] (5) In order to encourage effective and efficient medical evaluation  
15 and treatment, the commission:

16 (a) May include clinical practice guidelines in its prioritized list of ser-  
17 vices. The commission shall actively solicit testimony and information from  
18 the medical community and the public to build a consensus on clinical  
19 practice guidelines developed by the commission.

20 (b) May include statements of intent in its prioritized list of services.  
21 Statements of intent should give direction on coverage decisions where  
22 medical codes and clinical practice guidelines cannot convey the intent of  
23 the commission.

24 (c) Shall consider both the clinical effectiveness and cost-effectiveness of  
25 health services, including drug therapies, in determining their relative im-  
26 portance using peer-reviewed medical literature.

27 [(5)] (6) The commission shall report the prioritized list of services to the  
28 Oregon Health Authority for budget determinations by July 1 of each even-  
29 numbered year.

30 [(6)] (7) The commission shall make its report during each regular session  
31 of the Legislative Assembly and shall submit a copy of its report to the

1 Governor, the Speaker of the House of Representatives and the President of  
2 the Senate and post to the Oregon Health Authority's website, along with a  
3 solicitation of public comment, an assessment of the impact on access to  
4 medically necessary treatment and services by persons with disabilities or  
5 chronic illnesses resulting from the commission's prior use of any quality of  
6 life in general measures or any research or analysis that referred to or relied  
7 upon a quality of life in general measure.

8 [(7)] (8) The commission may alter the list during the interim only as  
9 follows:

- 10 (a) To make technical changes to correct errors and omissions;
- 11 (b) To accommodate changes due to advancements in medical technology
- 12 or new data regarding health outcomes;
- 13 (c) To accommodate changes to clinical practice guidelines; and
- 14 (d) To add statements of intent that clarify the prioritized list.

15 [(8)] (9) If a service is deleted or added during an interim and no new  
16 funding is required, the commission shall report to the Speaker of the House  
17 of Representatives and the President of the Senate. However, if a service to  
18 be added requires increased funding to avoid discontinuing another service,  
19 the commission shall report to the Emergency Board to request the funding.

20 [(9)] (10) The prioritized list of services remains in effect for a two-year  
21 period beginning no earlier than October 1 of each odd-numbered year.

22 [(10)(a)] (11)(a) As used in this section, "peer-reviewed medical  
23 literature" means scientific studies printed in journals or other publications  
24 that publish original manuscripts only after the manuscripts have been crit-  
25 ically reviewed by unbiased independent experts for scientific accuracy, va-  
26 lidity and reliability.

27 (b) "Peer-reviewed medical literature" does not include internal publica-  
28 tions of pharmaceutical manufacturers.

29 **SECTION 10.** ORS 414.211 is amended to read:

30 414.211. (1) There is established a Medicaid Advisory Committee consist-  
31 ing of not more than 15 members appointed by the Governor.

1       (2) The committee shall be composed of:

2       (a) A physician licensed under ORS chapter 677;

3       (b) Two members of health care consumer groups that include Medicaid

4       recipients;

5       (c) *[Two]* **Four** Medicaid recipients, *[one of whom shall be a]* **including**

6       **one** person with a disability **and one person who qualifies for medical**

7       **assistance based on modified adjusted gross income criteria;**

8       (d) The Director of the Oregon Health Authority or *[designee]* **a manager**

9       **of the division of the authority that administers the state medical as-**

10      **sistance program;**

11      (e) The Director of Human Services or designee;

12      (f) Health care providers;

13      (g) Persons associated with health care organizations, including but not

14      limited to coordinated care organizations under contract to the Medicaid

15      program; and

16      (h) Members of the general public.

17      (3) In making appointments, the Governor shall consult with appropriate

18      professional and other interested organizations. All members appointed to

19      the committee shall be familiar with the medical needs of low income per-

20      sons.

21      (4) The term of office for each member shall be *[two]* **three** years, but

22      each member shall serve at the pleasure of the Governor.

23      (5) Members of the committee shall receive no compensation for their

24      services but, subject to any applicable state law, shall be allowed actual and

25      necessary travel expenses incurred in the performance of their duties from

26      the Oregon Health Authority Fund.

27      **SECTION 11. The amendments to ORS 414.211 by section 10 of this**

28      **2026 Act become operative on July 10, 2027.**

29      **SECTION 12. Notwithstanding ORS 414.211, the Medicaid Advisory**

30      **Committee shall be composed of:**

31      **(1) For the period between the effective date of this 2026 Act and**

1 **July 9, 2026, at least 10 percent Medicaid recipients; and**  
2 **(2) For the period between July 10, 2026, and July 9, 2027, at least**  
3 **20 percent Medicaid recipients.**

4 **SECTION 13. Section 12 of this 2026 Act is repealed on January 2,**  
5 **2028.**

6 **SECTION 13a.** ORS 414.773 is amended to read:

7 414.773. (1) A claim for reimbursement for a behavioral health service or  
8 a physical health service provided to a medical assistance recipient may not  
9 be denied by the Oregon Health Authority or a coordinated care organization  
10 on the basis that the behavioral health service and physical health service  
11 were provided on the same day or in the same facility, unless required by  
12 state or federal law.

13 (2) A coordinated care organization may not require prior authorization  
14 for specialty behavioral health services provided to a medical assistance re-  
15 cipient at a behavioral health home or a patient centered primary care home  
16 unless permitted to do so by the authority.

17 *[(3) A coordinated care organization must assign a member of the coordi-  
18 nated care organization to a primary care provider if the member has not se-  
19 lected a primary care provider by the 90th day after enrollment in medical  
20 assistance. The coordinated care organization shall provide notice of the as-  
21 signment to the member and to the primary care provider.]*

22 *[(4) A member may select a different primary care provider at any time.]*

23 *[(5)]* (3) Subsection (1) of this section does not apply to coordinated care  
24 organizations' payments to providers using a value-based payment arrange-  
25 ment or other alternative payment methodology.

26

## 27 **PARENT PROVIDERS**

28

29 **SECTION 14.** ORS 427.191 is amended to read:

30 427.191. (1) As used in this section:

31 (a) "Agency" means an agency that hires, trains and supervises direct

1 support professionals using state funds received from the Department of  
2 Human Services.

3 (b) "Attendant care services" means services provided directly to an in-  
4 dividual with a disability to assist with activities of daily living, instru-  
5 mental activities of daily living and health-related tasks.

6 (c) "Child" means an individual under 18 years of age who:

7 (A) Has a developmental or intellectual disability; or

8 (B) Meets the eligibility criteria to receive services under the Medically  
9 Fragile (Hospital) Model Waiver or the Medically Involved Children's  
10 Waiver approved by the Centers for Medicare and Medicaid Services under  
11 42 U.S.C. 1396n(c).

12 (d) "Client" means an individual who receives attendant care services.

13 (e) "Client child" means a child who receives attendant care services from  
14 the child's parent.

15 (f) "Developmental disability services" has the meaning given that term  
16 in ORS 427.101.

17 (g) "Direct support professional" means an individual who is hired, em-  
18 ployed, trained, paid and supervised by an agency to provide attendant care  
19 services to a client of the agency.

20 (h) "Nonparent caregiver" means a direct support professional, personal  
21 support worker or similar provider who is paid to provide attendant care  
22 services to clients who are not the provider's children.

23 (i) "Parent" includes a:

24 (A) Natural or adoptive parent of a child;

25 (B) Stepparent of a child; and

26 (C) Legal guardian of a child.

27 (j)(A) "Parent provider" means a parent who is paid to provide attendant  
28 care services to the parent's minor child.

29 (B) "Parent provider" does not include a parent who is paid to provide  
30 attendant care services to a child who is 18 years of age or older.

31 (k)(A) "Personal support worker" means an individual who is employed

1 by a client or the client's representative and paid to provide attendant care  
2 services to the client.

3 (B) "Personal support worker" does not include a direct support profes-  
4 sional.

5 (L) "State plan" means Oregon's state plan for medical assistance, de-  
6 scribed in 42 U.S.C. 1396a, approved by the Centers for Medicare and  
7 Medicaid Services.

8 (m) "Very high behavioral needs" means a minor child's extraordinary  
9 needs for support due to the child's behavioral condition as indicated by a  
10 federally approved functional needs assessment adopted by the department  
11 that assigns the child to the highest service level.

12 (n) "Very high medical needs" means a minor child's extraordinary needs  
13 for support due to the child's medical condition as indicated by a federally  
14 approved functional needs assessment adopted by the department that assigns  
15 the child to the highest service level.

16 (2) Subject to rules adopted under subsection (8) of this section, to ORS  
17 427.194 and to available funding, the department shall administer a program  
18 to compensate parents to provide attendant care services to the parents'  
19 children who have been assessed by the department to have very high med-  
20 ical or very high behavioral needs.

21 (3) To be eligible for the program described in this section:

22 (a) A parent provider must be employed [*by an agency and not by the child*  
23 *or the other parent of the child*] **as a direct support professional or a**  
24 **personal support worker**;

25 (b) The parent provider may not be paid to provide attendant care services  
26 to the client child by an agency that is owned by the parent, the **client** child  
27 or any family member or for which the parent or other family member serves  
28 in any administrative or leadership capacity, including as a member of a  
29 board of directors; and

30 (c) The agency employing the parent provider to provide attendant care  
31 services to the client child:

1       (A) May not employ a parent provider as an independent contractor;

2       (B) Shall pay parent providers overtime at the same rate and under the

3       same circumstances as direct support professionals who are not parent pro-

4       viders;

5       (C) Except as authorized by the department by rule, may not pay provid-

6       ers of attendant care services, including parent providers, to provide services

7       to a [minor] child during school hours unless the [minor] child is temporarily

8       at home recovering from surgery or illness and the temporary absence from

9       school is recommended by the child's health care provider; and

10      (D) May not pay providers of attendant care services, including parent

11       providers, to provide services to a [minor] child during school hours due to

12       the determination of a school district or due to the choice of a parent of the

13       [client] child to:

14       (i) Have the child regularly attend school less than the number of school

15       hours attended by students without disabilities who are in the same grade

16       and the same school district as the [client] child;

17       (ii) Homeschool the [client] child; or

18       (iii) Enroll the [client] child in a private school that offers fewer school

19       hours than the school hours offered by the local public school to the major-

20       ity of students in the same grade as the [client] child.

21      (4) Subsection (3)(c)(D) of this section does not prohibit a school district

22       or other entity from compensating parents of students with disabilities for

23       providing support for educational activities that would otherwise be the re-

24       sponsibility of the school district.

25      (5) A parent provider, during the hours that the parent provider is paid

26       to provide one-on-one attendant care services to the client child:

27       (a) May not be responsible for a vulnerable adult who requires physical

28       care and monitoring;

29       (b) May not be responsible for the care of *[a child]* **an individual**, other

30       than the client child, who is under 10 years of age and shall have another

31       caregiver immediately available at all times to attend to the needs of the

1 [child] **individual**; and

2 (c) Unless they are included as a goal or service in the **client** child's in-  
3 dividual support plan and related to the **client** child's disability-related  
4 support needs, may not perform tasks that are not for the primary benefit  
5 of the client child, including but not limited to:

6 (A) Grocery shopping for the household;

7 (B) Housekeeping not required for the disability-related support needs of  
8 the client child;

9 (C) Remote work or operation of a home business; or

10 (D) Transporting individuals other than the client child to or from ac-  
11 tivities or appointments.

12 (6) If required by the Centers for Medicare and Medicaid Services, the  
13 department may require a parent provider to assign an alternative legal  
14 representative for the client child to make decisions about or manage the  
15 development and implementation of the client child's individual support plan.

16 The assignment:

17 (a) Must be on a form prescribed by the department; and

18 (b) Must clearly state that the assignment is limited to decisions regard-  
19 ing the development and implementation of the **client** child's individual  
20 support plan and does not limit the authority of the parent provider to make  
21 decisions for the client child with respect to health care, education or reli-  
22 gious training.

23 (7) A parent provider is subject to the requirements of mandatory re-  
24 porting of abuse under ORS 124.060 and 419B.010, 24 hours per day, seven  
25 days per week.

26 (8) The department shall adopt rules for the program described in this  
27 section using an advisory committee appointed under ORS 183.333 that re-  
28 presents the interests of parents, children with developmental or intellectual  
29 disabilities, adults with disabilities, agencies, organizations of direct support  
30 professionals and personal support workers and organizations that advocate  
31 for persons with disabilities. The rules must include all of the following:

- 1       (a) Strategies to safeguard nonparent caregivers and avoid the displacement of nonparent caregivers by parent providers;
- 2       (b) Requirements for agencies to demonstrate consistent efforts to recruit, train and retain nonparent caregivers;
- 3       (c) **Requirements for appropriate training, background checks and oversight, including** training requirements for:
  - 7       (A) Parent providers regarding federal and state administrative rules regulating home-based and community-based services, including the impact of the rules on parent-child relationships with respect to discipline, supervision, physical intervention and self-determination of client children during the hours that the parent provider is being paid to provide attendant care services;
  - 13       (B) Client children to learn to advocate for themselves with respect to choosing and managing direct support professionals before and after reaching 18 years of age; and
  - 16       (C) Community developmental disability programs related to the employment of parent providers, including on how to support families to manage issues concerning conflicts of interest, provider recruitment and retention and the empowerment of the client child to have a meaningful voice in the selection of the client child's *[direct support professionals]* **caregivers**;
- 21       (d) A process for a client child to object to the hiring of any caregiver, including the child's parent, or to raise concerns about a provider's caregiving;
- 24       (e) Procedures to ensure that the program described in this section is implemented consistently and equitably throughout this state;
- 26       (f) A requirement that any appeal related to the requirements of or benefits under the program is the sole responsibility of the central office staff of the department;
- 29       (g) **A requirement that parent providers who are employed as personal support workers are paid comparably to parent providers who are employed as direct support professionals;**

1       (h) Procedures to ensure program integrity and prevent duplicate  
2 payment for the same service hours; and

3        [(g)] (i) Other requirements that the department deems necessary to carry  
4 out the provisions of this section.

5       (9) The department may adopt rules necessary to manage the cost, size  
6 and growth rate of the program described in this section that are necessary  
7 to protect the eligibility for and levels of services under programs serving  
8 individuals receiving developmental disability services provided for in the  
9 state plan, including the development of criteria to limit the number of  
10 children eligible to participate in the program.

11       (10) Annually, the department shall report to the interim committees of  
12 the Legislative Assembly related to human services or, if the Legislative  
13 Assembly is in session, to the committees of the Legislative Assembly related  
14 to human services, in the manner provided in ORS 192.245, updates on the  
15 program described in this section, including:

16 (a) The number of client children receiving attendant care services, the  
17 number of children receiving the services from parent providers and the  
18 number of children receiving the services from nonparent caregivers;

19 (b) The number of hours of attendant care services provided by parent  
20 providers and number of hours of attendant care services provided by non-  
21 parent caregivers;

22 (c) A comparison of the cost per child of providing attendant care services  
23 by parent providers under the program with the cost per child of providing  
24 attendant care services by nonparent caregivers; and

25 (d) A report on the adequacy of the direct care workforce in this state to  
26 provide services to all children with developmental disability services who  
27 are eligible for attendant care services.

28

## DENTAL

30

31 **SECTION 15.** OBS 414.572 is amended to read:

1        414.572. (1) The Oregon Health Authority shall adopt by rule the qualifi-  
2        cation criteria and requirements for a coordinated care organization and  
3        shall integrate the criteria and requirements into each contract with a co-  
4        ordinated care organization. Coordinated care organizations may be local,  
5        community-based organizations or statewide organizations with community-  
6        based participation in governance or any combination of the two. Coordin-  
7        ated care organizations may contract with counties or with other public or  
8        private entities to provide services to members. The authority may not  
9        contract with only one statewide organization. A coordinated care organiza-  
10        tion may be a single corporate structure or a network of providers organized  
11        through contractual relationships. The criteria and requirements adopted by  
12        the authority under this section must include, but are not limited to, a re-  
13        quirement that the coordinated care organization:

14        (a) Have demonstrated experience and a capacity for managing financial  
15        risk and establishing financial reserves.

16        (b) Meet the following minimum financial requirements:

17        (A) Maintain restricted reserves of \$250,000 plus an amount equal to 50  
18        percent of the coordinated care organization's total actual or projected li-  
19        abilities above \$250,000.

20        (B) Maintain capital or surplus of not less than \$2,500,000 and any addi-  
21        tional amounts necessary to ensure the solvency of the coordinated care or-  
22        ganization, as specified by the authority by rules that are consistent with  
23        ORS 731.554 (6), 732.225, 732.230 and 750.045.

24        (C) Expend a portion of the annual net income or reserves of the coordi-  
25        nated care organization that exceed the financial requirements specified in  
26        this paragraph on services designed to address health disparities and the  
27        social determinants of health consistent with the coordinated care  
28        organization's community health improvement plan and transformation plan  
29        and the terms and conditions of the Medicaid demonstration project under  
30        section 1115 of the Social Security Act (42 U.S.C. 1315).

31        (c) Operate within a fixed global budget and other payment mechanisms

1 described in subsection (6) of this section and spend on primary care, as de-  
2 fined by the authority by rule, at least 12 percent of the coordinated care  
3 organization's total expenditures for physical and mental health care pro-  
4 vided to members, except for expenditures on prescription drugs, vision care  
5 and dental care.

6 (d) Develop and implement alternative payment methodologies that are  
7 based on health care quality and improved health outcomes.

8 (e) Coordinate the delivery of physical health care, behavioral health  
9 care, oral health care and covered long-term care services.

10 (f) Engage community members and health care providers in improving  
11 the health of the community and addressing regional, cultural, socioeconomic  
12 and racial disparities in health care that exist among the coordinated care  
13 organization's members and in the coordinated care organization's commu-  
14 nity.

15 (2) In addition to the criteria and requirements specified in subsection (1)  
16 of this section, the authority must adopt by rule requirements for coordi-  
17 nated care organizations contracting with the authority so that:

18 (a) Each member of the coordinated care organization receives integrated  
19 person centered care and services designed to provide choice, independence  
20 and dignity.

21 (b) Each member has a consistent and stable relationship with a care  
22 team that is responsible for comprehensive care management and service  
23 delivery.

24 (c) The supportive and therapeutic needs of each member are addressed  
25 in a holistic fashion, using patient centered primary care homes, behavioral  
26 health homes or other models that support patient centered primary care and  
27 behavioral health care and individualized care plans to the extent feasible.

28 (d) Members receive comprehensive transitional care, including appropri-  
29 ate follow-up, when entering and leaving an acute care facility or a long  
30 term care setting.

31 (e) Members are provided:

- 1       (A) Assistance in navigating the health care delivery system;
- 2       (B) Assistance in accessing community and social support services and
- 3       statewide resources;
- 4       (C) Meaningful language access as required by federal and state law in-
- 5       cluding, but not limited to, 42 U.S.C. 18116, Title VI of the Civil Rights Act
- 6       of 1964, Title VI Guidance issued by the United States Department of Justice
- 7       and the National Standards for Culturally and Linguistically Appropriate
- 8       Services in Health and Health Care as issued by the United States Depart-
- 9       ment of Health and Human Services; and
- 10      (D) Qualified health care interpreters or certified health care interpreters
- 11      listed on the health care interpreter registry, as those terms are defined in
- 12      ORS 413.550.
- 13      (f) Services and supports are geographically located as close to where
- 14      members reside as possible and are, if available, offered in nontraditional
- 15      settings that are accessible to families, diverse communities and underserved
- 16      populations.
- 17      (g) Each coordinated care organization uses health information technol-
- 18      ogy to link services and care providers across the continuum of care to the
- 19      greatest extent practicable and if financially viable.
- 20      (h) Each coordinated care organization complies with the safeguards for
- 21      members described in ORS 414.605.
- 22      (i) Each coordinated care organization convenes a community advisory
- 23      council that meets the criteria specified in ORS 414.575.
- 24      (j) Each coordinated care organization prioritizes working with members
- 25      who have high health care needs, multiple chronic conditions or behavioral
- 26      health conditions and involves those members in accessing and managing
- 27      appropriate preventive, health, remedial and supportive care and services,
- 28      including the services described in ORS 414.766, to reduce the use of avoid-
- 29      able emergency room visits and hospital admissions.
- 30      (k) Members have a choice of providers within the coordinated care
- 31      organization's network and that providers participating in a coordinated care

1 organization:

2 (A) Work together to develop best practices for care and service delivery

3 to reduce waste and improve the health and well-being of members.

4 (B) Are educated about the integrated approach and how to access and

5 communicate within the integrated system about a patient's treatment plan

6 and health history.

7 (C) Emphasize prevention, healthy lifestyle choices, evidence-based prac-

8 tices, shared decision-making and communication.

9 (D) Are permitted to participate in the networks of multiple coordinated

10 care organizations.

11 (E) Include providers of specialty care.

12 (F) Are selected by coordinated care organizations using universal appli-

13 cation and credentialing procedures and objective quality information and

14 are removed if the providers fail to meet objective quality standards.

15 (G) Work together to develop best practices for culturally and linguis-

16 tically appropriate care and service delivery to reduce waste, reduce health

17 disparities and improve the health and well-being of members.

18 (L) Each coordinated care organization reports on outcome and quality

19 measures adopted under ORS 413.022 and participates in the health care data

20 reporting system established in ORS 442.372 and 442.373.

21 (m) Each coordinated care organization uses best practices in the man-

22 agement of finances, contracts, claims processing, payment functions and

23 provider networks.

24 (n) Each coordinated care organization participates in the learning

25 collaborative described in ORS 413.259 (3).

26 (o) Each coordinated care organization has a governing body that com-

27 plies with ORS 414.584 and that includes:

28 (A) At least one member representing persons that share in the financial

29 risk of the organization;

30 (B) A representative of a dental subcontractor selected by the coordinated

31 care organization;

1       (C) The major components of the health care delivery system;

2       (D) At least two health care providers in active practice, including:

3           (i) A physician licensed under ORS chapter 677 or a nurse practitioner

4       licensed under ORS 678.375, whose area of practice is primary care; and

5           (ii) A behavioral health provider;

6       (E) At least two members from the community at large, to ensure that the

7       organization's decision-making is consistent with the values of the members

8       and the community; and

9       (F) At least two members of the community advisory council, one of whom

10      is or was within the previous six months a recipient of medical assistance

11      and is at least 16 years of age or a parent, guardian or primary caregiver

12      of an individual who is or was within the previous six months a recipient

13      of medical assistance.

14      (p) Each coordinated care organization's governing body establishes

15      standards for publicizing the activities of the coordinated care organization

16      and the organization's community advisory councils, as necessary, to keep

17      the community informed.

18      (q) Each coordinated care organization publishes on a website maintained

19      by or on behalf of the coordinated care organization, in a manner determined

20      by the authority, a document designed to educate members about best prac-

21      tices, care quality expectations, screening practices, treatment options and

22      other support resources available for members who have mental illnesses or

23      substance use disorders.

24      (r) Each coordinated care organization works with the Tribal Advisory

25      Council established in ORS 414.581 and has a dedicated tribal liaison, se-

26      lected by the council, to:

27           (A) Facilitate a resolution of any issues that arise between the coordi-

28      nated care organization and a provider of Indian health services within the

29      area served by the coordinated care organization;

30           (B) Participate in the community health assessment and the development

31      of the health improvement plan;

1       (C) Communicate regularly with the Tribal Advisory Council; and  
2       (D) Be available for training by the office within the authority that is  
3 responsible for tribal affairs, any federally recognized tribe in Oregon and  
4 the urban Indian health program that is located within the area served by  
5 the coordinated care organization and operated by an urban Indian organ-  
6 ization pursuant to 25 U.S.C. 1651.

7       (3) The authority shall consider the participation of area agencies and  
8 other nonprofit agencies in the configuration of coordinated care organiza-  
9 tions.

10       (4) In selecting one or more coordinated care organizations to serve a  
11 geographic area, the authority shall:

12       (a) For members and potential members, optimize access to care and  
13 choice of providers;

14       (b) For providers, optimize choice in contracting with coordinated care  
15 organizations; and

16       (c) Allow more than one coordinated care organization to serve the ge-  
17 ographic area if necessary to optimize access and choice under this sub-  
18 section.

19       (5)(a) The authority shall:

20       (A) Adopt by rule the requirements for a dental subcontractor that con-  
21 tracts with a coordinated care organization, **including requirements that**  
22 **oral health care consumers have a choice of providers and that dental**  
23 **subcontractors and coordinated care organizations may not prevent**  
24 **an oral health care provider from informing a consumer about the**  
25 **consumer's choice of providers**; and

26       (B) Incorporate the requirements adopted under this subsection into any  
27 contract entered into between the authority and a coordinated care organ-  
28 ization under this section.

29       (b) The authority may not require a dental subcontractor that contracts  
30 with a coordinated care organization to produce any report or other infor-  
31 mation unless the requirement is:

1       (A) Established by state or federal statute, rule or regulation; or  
2       (B) Included in a contract entered into between the authority and a co-  
3 ordinated care organization.

4       (6) In addition to global budgets, the authority may employ other payment  
5 mechanisms to reimburse coordinated care organizations for specified health  
6 services during limited periods of time if:  
7       (a) Global budgets remain the primary means of reimbursing coordinated  
8 care organizations for care and services provided to the coordinated care  
9 organization's members;  
10      (b) The other payment mechanisms are consistent with the legislative in-  
11 tent expressed in ORS 414.018 and the system design described in ORS  
12 414.570 (1); and  
13      (c) The payment mechanisms are employed only for health-related social  
14 needs services, such as housing supports, nutritional assistance and  
15 climate-related assistance, approved for the demonstration project under 42  
16 U.S.C. 1315 by the Centers for Medicare and Medicaid Services.

17      **SECTION 16.** ORS 679.025 is amended to read:

18      679.025. (1) A person may not practice dentistry or purport to be a dentist  
19 without a valid license to practice dentistry issued by the Oregon Board of  
20 Dentistry.

21      (2) Subsection (1) of this section does not apply to:

22       (a) Dentists licensed in another state or country making a clinical pres-  
23 entation sponsored by a bona fide dental society or association or an ac-  
24 credited dental educational institution approved by the board.

25       (b) Bona fide full-time students of dentistry who, during the period of  
26 their enrollment and as a part of the course of study in an Oregon accredited  
27 dental education program, engage in clinical studies on the premises of such  
28 institution or in a clinical setting located off the premises of the institution  
29 if the facility, the instructional staff and the course of study to be pursued  
30 at the off-premises location meet minimum requirements prescribed by the  
31 rules of the board and the clinical study is performed under the indirect

1 supervision of a member of the faculty.

2 (c) Bona fide full-time students of dentistry who, during the period of  
3 their enrollment and as a part of the course of study in a dental education  
4 program located outside of Oregon that is accredited by the Commission on  
5 Dental Accreditation of the American Dental Association or its successor  
6 [agency] **organization**, engage in community-based or clinical studies as an  
7 elective or required rotation in a clinical setting located in Oregon if the  
8 community-based or clinical studies meet minimum requirements prescribed  
9 by the rules of the board and are performed under the indirect supervision  
10 of a [member of the faculty of the Oregon Health and Science University  
11 School of Dentistry] **faculty member of a dental education program ac-**  
12 **credited by the Commission on Dental Accreditation of the American**  
13 **Dental Association, or its successor organization.**

14 (d) Candidates who are preparing for a licensure examination to practice  
15 dentistry and whose application has been accepted by the board or its agent,  
16 if the clinical preparation is conducted in a clinic located on premises ap-  
17 proved for that purpose by the board and if the procedures are limited to  
18 examination only. This exception shall exist for a period not to exceed two  
19 weeks immediately prior to a regularly scheduled licensure examination.

20 (e) Dentists practicing in the discharge of official duties as employees of  
21 the United States Government and any of its agencies.

22 (f) Instructors of dentistry, whether full- or part-time, while exclusively  
23 engaged in teaching activities and while employed in accredited dental edu-  
24 cational institutions.

25 (g) Dentists who are employed by public health agencies and who are not  
26 engaged in the direct delivery of clinical dental services to patients.

27 (h) Persons licensed to practice medicine in the State of Oregon in the  
28 regular discharge of their duties.

29 (i) Persons qualified to perform services relating to general anesthesia or  
30 sedation under the direct supervision of a licensed dentist.

31 (j)(A) Dentists licensed in another country and in good standing, while

1 practicing dentistry without compensation for no more than five consecutive  
2 days in any 12-month period, provided the dentist submits an application to  
3 the board at least 10 days before practicing dentistry under this subpara-  
4 graph and the application is approved by the board.

5 (B) Dentists licensed in another state or United States territory and  
6 practicing in this state under ORS 676.347.

7 (k) Persons practicing dentistry upon themselves as the patient.

8 (L) Dental hygienists, dental assistants or dental technicians performing  
9 services under the supervision of a licensed dentist in accordance with the  
10 rules adopted by the board.

11 (m) A person licensed as a denturist under ORS 680.500 to 680.565 engaged  
12 in the practice of denture technology.

13 (n) An expanded practice dental hygienist who renders services authorized  
14 by a permit issued by the board pursuant to ORS 680.200.

15 **SECTION 17. (1) The amendments to ORS 679.025 by section 16 of**  
16 **this 2026 Act become operative on January 1, 2027.**

17 **(2) The Oregon Board of Dentistry make take any action before the**  
18 **operative date specified in subsection (1) of this section that is neces-**  
19 **sary to enable the board to exercise, on and after the operative date**  
20 **specified in subsection (1) of this section, all of the duties, functions**  
21 **and powers conferred on the board by the amendments to ORS 679.025**  
22 **by section 16 of this 2026 Act.**

23

## 24 COMMERCIAL HEALTH INSURANCE

25

26 **SECTION 18. Section 19 of this 2026 Act is added to and made a part**  
27 **of the Insurance Code.**

28 **SECTION 19. (1) A group or individual policy of casualty insurance**  
29 **or health insurance, including a health benefit plan as defined in ORS**  
30 **743B.005, shall provide coverage for medically necessary anesthesia**  
31 **services, regardless of the duration, for any procedure covered by the**

1 **policy.**

2 **(2) A policy described in subsection (1) of this section may not deny**  
3 **payment or reimbursement for anesthesia services solely because the**  
4 **duration of care exceeded a preset time limit.**

5 **SECTION 20. Section 19 of this 2026 Act applies to group or indi-**  
6 **vidual policies of casualty insurance or health insurance, including**  
7 **health benefit plans, that are issued, renewed or extended on or after**  
8 **the effective date of this 2026 Act.**

9 **SECTION 21. Sections 22, 24 and 25 of this 2026 Act are added to and**  
10 **made a part of the Insurance Code.**

11 **SECTION 22. As used in ORS 743B.456 and sections 24 and 25 of this**  
12 **2026 Act:**

13 **(1) “Dental insurance plan” means a policy or certificate of insur-**  
14 **ance or other contract that provides only a dental benefit.**

15 **(2) “Dental insurer” means an insurer that offers a policy or cer-**  
16 **tificate of insurance or other contract that provides only a dental**  
17 **benefit.**

18 **(3) “Dental provider” means a person licensed, certified or other-**  
19 **wise permitted by laws of this state to administer dental services in**  
20 **the ordinary course of business or practice of a profession.**

21 **SECTION 23. ORS 743B.456 is amended to read:**

22 **743B.456. (1) As used in this section, [“dental insurer” means an insurer**  
23 **that offers a policy or certificate of insurance or other contract, that provides**  
24 **only a dental benefit] “clean claim” means a claim that has no defect**  
25 **or error, is understandable and reasonably legible, includes required**  
26 **substantiating documentation and does not require special treatment**  
27 **that delays timely payment on the claim.**

28 **(2) A dental insurer may pay a claim for reimbursement made by a dental**  
29 **care provider using a credit card or electronic funds transfer payment**  
30 **method that imposes on the provider a fee or similar charge to process the**  
31 **payment if:**

1       (a) The dental insurer notifies the provider, in advance, of the potential  
2 fees or other charges associated with the use of the credit card or electronic  
3 funds transfer payment method;

4       (b) The dental insurer offers the provider an alternative payment method  
5 that does not impose fees or similar charges on the provider; and

6       (c) The provider or a designee of the provider elects to accept a payment  
7 of the claim using the credit card or electronic funds transfer payment  
8 method.

9       (3) If a dental insurer contracts with a vendor to process payments of  
10 dental providers' claims, the dental insurer shall require the vendor to com-  
11 ply with the provisions of subsection (2)(a) of this section.

12       **(4) Except as provided in this subsection, when a claim under a**  
13 **dental insurance plan is submitted to a dental insurer by a dental**  
14 **provider on behalf of a beneficiary, the dental insurer shall pay a clean**  
15 **claim or deny the claim not later than 45 days after the date on which**  
16 **the dental insurer receives the claim. If a dental insurer requires ad-**  
17 **dditional information before payment of a claim, not later than 45 days**  
18 **after the date on which the dental insurer receives the claim, the**  
19 **dental insurer shall notify the beneficiary and the dental provider in**  
20 **writing or electronically, and give the beneficiary and the dental pro-**  
21 **vider an explanation of the additional information needed to process**  
22 **the claim. The dental insurer shall pay a clean claim or deny the claim**  
23 **not later than 45 days after the date on which the dental insurer re-**  
24 **ceives the additional information.**

25       **(5) A contract between a dental insurer and a dental provider may**  
26 **not include a provision governing payment of claims that limits the**  
27 **rights and remedies available to a provider under this section or has**  
28 **the effect of relieving either party of its obligations under this section.**

29       **(6) A dental insurer shall establish a method of communicating to**  
30 **dental providers the procedures and information necessary to complete**  
31 **claim forms. The procedures and information must be reasonably ac-**

1 **cessible to dental providers.**

2 **(7) This section does not create an assignment of payment to a**  
3 **dental provider.**

4 **SECTION 24. (1) As used in this section, “refund” means the return,**  
5 **either directly or through an offset to a future claim, of some or all**  
6 **of a payment already received by a dental provider.**

7 **(2) Except in the case of fraud or abuse of billing, and except as**  
8 **provided in subsections (3) and (5) of this section, a dental insurer may**  
9 **not:**

10 **(a) Request from a dental provider a refund of a payment previously**  
11 **made to satisfy a claim unless the dental insurer:**

12 **(A) Requests the refund in writing or electronically on or before the**  
13 **last day of the period specified by the contract with the dental provider**  
14 **or 18 months after the date the payment was made, whichever is ear-**  
15 **lier; and**

16 **(B) Specifies in the written or electronic request why the dental**  
17 **insurer believes the dental provider owes the refund.**

18 **(b) Request that a contested refund be paid earlier than six months**  
19 **after the dental provider receives the request.**

20 **(3) A dental insurer may not do the following for reasons related**  
21 **to coordination of benefits with another dental insurer or entity re-**  
22 **sponsible for payment of a claim:**

23 **(a) Request from a dental provider a refund of a payment previously**  
24 **made to satisfy a claim unless the dental insurer:**

25 **(A) Requests the refund in writing or electronically within 45 days**  
26 **after the date the payment was made;**

27 **(B) Specifies in the written or electronic request why the dental**  
28 **insurer believes the provider owes the refund; and**

29 **(C) Includes in the written or electronic request the name and**  
30 **mailing address of the other dental insurer or entity that has primary**  
31 **responsibility for payment of the claim.**

1       **(b) Request that a contested refund be paid earlier than six months**  
2       **after the dental provider receives the request.**

3       **(4) If a dental provider fails to contest a refund request in writing**  
4       **or electronically to the dental insurer within 30 days after receiving**  
5       **the request, the request is deemed accepted and the dental provider**  
6       **must pay the refund within 30 days after the request is deemed ac-**  
7       **cepted. If the dental provider has not paid the refund within 30 days**  
8       **after the request is deemed accepted, the dental insurer may recover**  
9       **the amount through an offset to a future claim.**

10       **(5) A dental insurer may at any time request from a dental provider**  
11       **a refund of a payment previously made to satisfy a claim if:**

12       **(a) A third party, including a government entity, is found respon-**  
13       **sible for satisfaction of the claim as a consequence of liability imposed**  
14       **by law; and**

15       **(b) The dental insurer is unable to recover directly from the third**  
16       **party because the third party has already paid or will pay the provider**  
17       **for the dental services covered by the claim.**

18       **(6) If a contract between a dental insurer and a dental provider**  
19       **conflicts with this section, the provisions of this section prevail.**  
20       **However, nothing in this section prohibits a dental provider from**  
21       **choosing at any time to refund to a dental insurer any payment pre-**  
22       **viously made to satisfy a claim.**

23       **(7) This section neither permits nor precludes a dental insurer from**  
24       **recovering from a subscriber, enrollee or beneficiary any amounts paid**  
25       **to a dental provider for benefits to which the subscriber, enrollee or**  
26       **beneficiary was not entitled under the terms and conditions of the**  
27       **dental insurance plan, insurance policy or other benefit agreement.**

28       **SECTION 25. A dental provider that bills a dental insurer for cov-**  
29       **ered services provided to an individual who is insured under a dental**  
30       **insurance plan shall be reimbursed by the insurer by a direct payment**  
31       **issued to the dental provider.**

1       **SECTION 26.** Sections 22, 24 and 25 of this 2026 Act and the  
2 amendments to ORS 743B.456 by section 23 of this 2026 Act become  
3 operative on January 1, 2028.

4       **SECTION 27.** (1) As used in this section and section 28 of this 2026  
5 Act, “insurance coverage mandate” means a proposed legislative  
6 measure that requires payment for certain services of health care  
7 providers or that requires an offering of health insurance coverage by  
8 an insurer or a health care service contractor as a component of an  
9 individual or group health insurance policy.

10       (2) The Legislative Policy and Research Director shall develop, as  
11 a pilot program, an insurance coverage mandate impact statement  
12 template. The template must solicit the information sought in section  
13 28 of this 2026 Act and must take into consideration:

14       (a) Sources of data to be considered in the preparation of an in-  
15 surance coverage mandate impact statement for proposed legislation;  
16 and

17       (b) Sources of research to be considered in the preparation of an  
18 insurance coverage mandate impact statement.

19       (3) In preparing the template, the director shall consider models  
20 used in other states and in academic research for assessing the im-  
21 pacts of proposed insurance coverage mandate legislation and other  
22 formal actions undertaken by national, state and local government  
23 entities and other entities in the United States, including educational  
24 institutions.

25       (4) The director shall confer with the chairs and vice chairs of those  
26 committees of the Legislative Assembly having jurisdiction over  
27 health care and, based on that conferral, select \_\_\_\_\_ Senate meas-  
28 ures and \_\_\_\_\_ House measures that were enacted during the 2025  
29 regular session of the Legislative Assembly on which to apply the in-  
30 surance coverage mandate impact statement template.

31       (5) Following selection of the measures described in subsection (4)

1 of this section, the director shall apply the template to each of the  
2 selected measures and prepare draft insurance coverage mandate im-  
3 pact statements for each measure. The director shall present a pre-  
4 liminary report to the committees with jurisdiction over health care  
5 on or before September 15, 2026, that reports on:

6 (a) The template methodology and review process;

7 (b) The director's experience in preparing draft impact statements;

8 and

9 (c) The specific findings of the draft impact statements prepared for  
10 the test measures.

11 (6) Based on feedback provided by the committees with jurisdiction  
12 over health care, the director may modify the template and prepare  
13 final insurance coverage mandate impact statements on the test  
14 measures. The director shall present the final impact statements and  
15 the final process report summarizing the methodology used to prepare  
16 and review impact statements to the policy committees that had heard  
17 the test measures during the 2025 regular session of the Legislative  
18 Assembly. The director shall present the statements and final report  
19 to the committees on or before December 15, 2026.

20 (7) Following the presentations described in subsection (5) of this  
21 section and following or contemporaneously with the presentations  
22 described in subsection (6) of this section and taking into account  
23 provided feedback, the director shall propose to the Legislative Policy  
24 and Research Committee a policy that describes the objectives, content  
25 and form of an insurance coverage mandate impact statement and the  
26 procedures to be followed in the preparation of those statements. After  
27 conducting due deliberations in which the committee may make mod-  
28 ifications to the policy, the committee shall adopt a policy on the  
29 preparation of insurance coverage mandate impact statements. The  
30 policy shall include guidance on when an insurance coverage mandate  
31 impact statement must be posted online on the Legislative Assembly

1 website, relative to the location in the legislative process of the asso-  
2 ciated legislative measure.

3 (8) All agencies of state government, as defined in ORS 174.111, and  
4 the Oregon Health and Science University are directed to assist the  
5 director in the performance of the director's duties under this section  
6 and section 28 of this 2026 Act and, to the extent permitted by laws  
7 relating to confidentiality, to furnish information and advice that the  
8 director considers necessary to perform the director's duties.

9 **SECTION 28.** An insurance coverage mandate impact statement  
10 required to be developed under section 27 of this 2026 Act shall include  
11 but need not be limited to the following:

12 (1) The evidence that exists to document the medical need for the  
13 treatment or service covered under the proposed legislative measure;

14 (2) The extent of the coverage under the proposed measure;

15 (3) Whether the proposed measure ensures more or less equitable  
16 access to treatment or services by residents of this state;

17 (4) Whether denying the coverage under the proposed measure  
18 would disproportionately impact individuals described in ORS 746.021  
19 and, if so, a description of the impact;

20 (5) Whether the coverage under the proposed measure is an essen-  
21 tial health benefit as defined in ORS 731.097;

22 (6) A listing of other state or federal laws that relate to the pro-  
23 posed measure, including whether other states are defraying the cost  
24 of similar coverage in accordance with 42 U.S.C. 18031(d)(3), as  
25 amended and in effect on the effective date of this 2026 Act;

26 (7) The extent to which the coverage in the proposed measure is  
27 already provided by the Public Employees' Benefit Board, the Oregon  
28 Educators Benefit Board or individual, small employer group and large  
29 employer group health insurance plans;

30 (8) The extent to which the coverage in the proposed measure is  
31 provided in the state medical assistance program as prescribed by the

1    **Oregon Health Authority under ORS 414.065 or in Medicare Parts A  
2    through D;**

3        **(9) The extent to which a lack of the coverage in the proposed  
4    measure results in financial hardship to residents of this state; and**

5        **(10) The financial effects of the proposed measure based on an  
6    actuarial analysis conducted by the Department of Consumer and  
7    Business Services, including:**

8            **(a) The extent to which the proposed measure is expected to in-  
9    crease or decrease the cost of treatment or services and the utilization  
10   of treatment or services;**

11           **(b) The extent to which the treatment or services covered by the  
12   proposed measure are expected to substitute for more expensive  
13   treatment or services;**

14           **(c) The per member per month cost of the proposed measure to the  
15   Public Employees' Benefit Board, the Oregon Educators Benefit Board  
16   and enrollees in individual, small employer group and large employer  
17   group health insurance plans;**

18           **(d) The extent to which the coverage required by the proposed  
19   measure will cause an increase in premiums that will impose a finan-  
20   cial hardship on residents of this state, particularly in rural areas or  
21   frontier areas, as designated by the Office of Rural Health; and**

22           **(e) The estimated impact of the proposed measure on the total cost  
23   of health care in this state.**

24        **SECTION 29. No later than September 15, 2027, the Legislative Pol-  
25   icy and Research Director shall report to the Legislative Assembly in  
26   the manner provided under ORS 192.245 on recommendations for  
27   changes to improve upon the review of proposed insurance coverage  
28   mandates during regular or special sessions of the Legislative Assem-  
29   bly. The recommendations may include legislative proposals or expla-  
30   nations of the need for additional resources.**

31        **SECTION 30. ORS 743A.310 and 743B.221 are repealed.**

1        **SECTION 31.** Section 5, chapter 575, Oregon Laws 2015, as amended by  
2 section 8, chapter 26, Oregon Laws 2016, section 19, chapter 489, Oregon  
3 Laws 2017, and section 15, chapter 37, Oregon Laws 2022, is amended to read:

4        **Sec. 5.** (1) Sections 1 to 4, chapter 575, Oregon Laws 2015, are repealed  
5 on December 31, 2027.

6        (2) Section 3, chapter 489, Oregon Laws 2017, is repealed on December 31,  
7 2027.

8        *[(3) The amendments to section 8 of this 2022 Act by section 14 of this 2022  
9 Act become operative on December 31, 2027.]*

10        **SECTION 32.** ORS 750.055 is amended to read:

11        750.055. (1) The following provisions apply to health care service con-  
12 tractors to the extent not inconsistent with the express provisions of ORS  
13 750.005 to 750.095:

14        (a) ORS 705.137, 705.138 and 705.139.

15        (b) ORS 731.004 to 731.150, 731.162, 731.216 to 731.362, 731.382, 731.385,  
16 731.386, 731.390, 731.398 to 731.430, 731.428, 731.450, 731.454, 731.485, as pro-  
17 vided in subsection (2) of this section, ORS 731.488, 731.504, 731.508, 731.509,  
18 731.510, 731.511, 731.512, 731.574 to 731.620, 731.640 to 731.652, 731.730, 731.731,  
19 731.735, 731.737, 731.750, 731.752, 731.804, 731.808 and 731.844 to 731.992.

20        (c) ORS 732.215, 732.220, 732.230, 732.245, 732.250, 732.320, 732.325 and  
21 732.517 to 732.596, not including ORS 732.582, and ORS 732.650 to 732.689.

22        (d) ORS 733.010 to 733.050, 733.080, 733.140 to 733.170, 733.210, 733.510 to  
23 733.680 and 733.695 to 733.780.

24        (e) ORS 734.014 to 734.440.

25        (f) ORS 742.001 to 742.009, 742.013, 742.016, 742.061, 742.065, 742.150 to  
26 742.162 and 742.518 to 742.542.

27        (g) ORS 743.004, 743.005, 743.007, 743.008, 743.010, 743.018, 743.020, 743.022,  
28 743.023, 743.025, 743.028, 743.029, 743.038, 743.040, 743.044, 743.050, 743.100 to  
29 743.109, 743.402, 743.405, 743.406, 743.417, 743.472, 743.492, 743.495, 743.498,  
30 743.522, 743.523, 743.524, 743.526, 743.535, 743.550, 743.650 to 743.656, 743.680  
31 to 743.689, 743.788 and 743.790.

1       (h) ORS 743A.010, 743A.012, 743A.014, 743A.020, 743A.034, 743A.036,  
2   743A.040, 743A.044, 743A.048, 743A.051, 743A.052, 743A.058, 743A.060,  
3   743A.062, 743A.063, 743A.064, 743A.065, 743A.066, 743A.068, 743A.070,  
4   743A.080, 743A.081, 743A.082, 743A.084, 743A.088, 743A.090, 743A.100,  
5   743A.104, 743A.105, 743A.108, 743A.110, 743A.124, 743A.140, 743A.141,  
6   743A.148, 743A.150, 743A.160, 743A.168, 743A.169, 743A.170, 743A.171,  
7   743A.175, 743A.185, 743A.188, 743A.190, 743A.192, 743A.250, 743A.252,  
8   743A.260[ 743A.310] and 743A.315 and section 2, chapter 771, Oregon Laws  
9   2013.

10       (i) ORS 743B.001, 743B.003 to 743B.127, 743B.128, 743B.130, 743B.195,  
11 743B.197, 743B.200, 743B.202, 743B.204, 743B.220, [743B.221,] 743B.222,  
12 743B.225, 743B.227, 743B.250, 743B.252, 743B.253, 743B.254, 743B.255, 743B.256,  
13 743B.257, 743B.258, 743B.275 to 743B.285, 743B.287, 743B.300, 743B.310,  
14 743B.320, 743B.323, 743B.330, 743B.340, 743B.341, 743B.342, 743B.343 to  
15 743B.347, 743B.400, 743B.403, 743B.407, 743B.420, 743B.423, 743B.430, 743B.450,  
16 743B.451, 743B.452, 743B.453, 743B.470, 743B.475, 743B.505, 743B.550, 743B.555,  
17 743B.601, 743B.602, 743B.603, 743B.607, 743B.610 and 743B.800.

18       (j) The following provisions of ORS chapter 744:

19       (A) ORS 744.052 to 744.089, 744.091 and 744.093, relating to the regulation  
20 of insurance producers;

21       (B) ORS 744.602 to 744.665, relating to the regulation of insurance con-  
22 sultants; and

23       (C) ORS 744.700 to 744.740, relating to the regulation of third party ad-  
24 ministrators.

25       (k) ORS 746.005 to 746.140, 746.160, 746.220 to 746.370, 746.600, 746.605,  
26 746.607, 746.608, 746.610, 746.615, 746.625, 746.635, 746.650, 746.655, 746.660,  
27 746.668, 746.670, 746.675, 746.680 and 746.690.

28       (2) The following provisions of the Insurance Code apply to health care  
29 service contractors except in the case of group practice health maintenance  
30 organizations that are federally qualified pursuant to Title XIII of the Public  
31 Health Service Act:

1       (a) ORS 731.485, if the group practice health maintenance organization  
2 wholly owns and operates an in-house drug outlet.

3       (b) ORS 743A.024, unless the patient is referred by a physician, physician  
4 associate or nurse practitioner associated with a group practice health  
5 maintenance organization.

6       (3) For the purposes of this section, health care service contractors are  
7 insurers.

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

11       (5)(a) A health care service contractor is a domestic insurance company  
12 for the purpose of determining whether the health care service contractor is  
13 a debtor, as defined in 11 U.S.C. 109.

14       (b) A health care service contractor's classification as a domestic insur-  
15 ance company under paragraph (a) of this subsection does not subject the  
16 health care service contractor to ORS 734.510 to 734.710.

17       (6) The Director of the Department of Consumer and Business Services  
18 may, after notice and hearing, adopt reasonable rules not inconsistent with  
19 this section and ORS 750.003, 750.005, 750.025 and 750.045 that are necessary  
20 for the proper administration of these provisions.

21       **SECTION 33.** ORS 750.055, as amended by section 7, chapter 388, Oregon  
22 Laws 2025, is amended to read:

23       750.055. (1) The following provisions apply to health care service con-  
24 tractors to the extent not inconsistent with the express provisions of ORS  
25 750.005 to 750.095:

26       (a) ORS 705.137, 705.138 and 705.139.

27       (b) ORS 731.004 to 731.150, 731.162, 731.216 to 731.362, 731.382, 731.385,  
28 731.386, 731.390, 731.398 to 731.430, 731.428, 731.450, 731.454, 731.485, as pro-  
29 vided in subsection (2) of this section, ORS 731.488, 731.504, 731.508, 731.509,  
30 731.510, 731.511, 731.512, 731.574 to 731.620, 731.640 to 731.652, 731.730, 731.731,  
31 731.735, 731.737, 731.750, 731.752, 731.804, 731.808 and 731.844 to 731.992.

1       (c) ORS 732.215, 732.220, 732.230, 732.245, 732.250, 732.320, 732.325 and  
2 732.517 to 732.596, not including ORS 732.582, and ORS 732.650 to 732.689.

3       (d) ORS 733.010 to 733.050, 733.080, 733.140 to 733.170, 733.210, 733.510 to  
4 733.680 and 733.695 to 733.780.

5       (e) ORS 734.014 to 734.440.

6       (f) ORS 742.001 to 742.009, 742.013, 742.016, 742.061, 742.065, 742.150 to  
7 742.162 and 742.518 to 742.542.

8       (g) ORS 743.004, 743.005, 743.007, 743.008, 743.010, 743.018, 743.020, 743.022,  
9 743.023, 743.025, 743.028, 743.029, 743.038, 743.040, 743.044, 743.050, 743.100 to  
10 743.109, 743.402, 743.405, 743.406, 743.417, 743.472, 743.492, 743.495, 743.498,  
11 743.522, 743.523, 743.524, 743.526, 743.535, 743.550, 743.650 to 743.656, 743.680  
12 to 743.689, 743.788 and 743.790.

13       (h) ORS 743A.010, 743A.012, 743A.014, 743A.020, 743A.034, 743A.036,  
14 743A.040, 743A.044, 743A.048, 743A.051, 743A.052, 743A.058, 743A.060,  
15 743A.062, 743A.063, 743A.064, 743A.065, 743A.066, 743A.068, 743A.070,  
16 743A.080, 743A.081, 743A.082, 743A.084, 743A.088, 743A.090, 743A.100,  
17 743A.104, 743A.105, 743A.108, 743A.110, 743A.124, 743A.140, 743A.141,  
18 743A.148, 743A.150, 743A.160, 743A.168, 743A.169, 743A.170, 743A.171,  
19 743A.175, 743A.185, 743A.188, 743A.190, 743A.192, 743A.250, 743A.252,  
20 743A.260[, 743A.310] and 743A.315 and section 2, chapter 771, Oregon Laws  
21 2013.

22       (i) ORS 743B.001, 743B.003 to 743B.127, 743B.128, 743B.130, 743B.195,  
23 743B.197, 743B.200, 743B.202, 743B.204, 743B.220, [743B.221,] 743B.222,  
24 743B.225, 743B.227, 743B.250, 743B.252, 743B.253, 743B.254, 743B.255, 743B.256,  
25 743B.257, 743B.258, 743B.275 to 743B.285, 743B.287, 743B.300, 743B.310,  
26 743B.320, 743B.323, 743B.330, 743B.340, 743B.341, 743B.342, 743B.343 to  
27 743B.347, 743B.400, 743B.403, 743B.407, 743B.420, 743B.423, 743B.430, 743B.445,  
28 743B.450, 743B.451, 743B.452, 743B.453, 743B.470, 743B.475, 743B.505, 743B.550,  
29 743B.555, 743B.601, 743B.602, 743B.603, 743B.607, 743B.610 and 743B.800.

30       (j) The following provisions of ORS chapter 744:

31       (A) ORS 744.052 to 744.089, 744.091 and 744.093, relating to the regulation

1 of insurance producers;

2 (B) ORS 744.602 to 744.665, relating to the regulation of insurance con-  
3 sultants; and

4 (C) ORS 744.700 to 744.740, relating to the regulation of third party ad-  
5 ministrators.

6 (k) ORS 746.005 to 746.140, 746.160, 746.220 to 746.370, 746.600, 746.605,  
7 746.607, 746.608, 746.610, 746.615, 746.625, 746.635, 746.650, 746.655, 746.660,  
8 746.668, 746.670, 746.675, 746.680 and 746.690.

9 (2) The following provisions of the Insurance Code apply to health care  
10 service contractors except in the case of group practice health maintenance  
11 organizations that are federally qualified pursuant to Title XIII of the Public  
12 Health Service Act:

13 (a) ORS 731.485, if the group practice health maintenance organization  
14 wholly owns and operates an in-house drug outlet.

15 (b) ORS 743A.024, unless the patient is referred by a physician, physician  
16 associate or nurse practitioner associated with a group practice health  
17 maintenance organization.

18 (3) For the purposes of this section, health care service contractors are  
19 insurers.

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

23 (5)(a) A health care service contractor is a domestic insurance company  
24 for the purpose of determining whether the health care service contractor is  
25 a debtor, as defined in 11 U.S.C. 109.

26 (b) A health care service contractor's classification as a domestic insur-  
27 ance company under paragraph (a) of this subsection does not subject the  
28 health care service contractor to ORS 734.510 to 734.710.

29 (6) The Director of the Department of Consumer and Business Services  
30 may, after notice and hearing, adopt reasonable rules not inconsistent with  
31 this section and ORS 750.003, 750.005, 750.025 and 750.045 that are necessary

1 for the proper administration of these provisions.

2       **SECTION 34.** ORS 750.055, as amended by section 21, chapter 771, Oregon  
3 Laws 2013, section 7, chapter 25, Oregon Laws 2014, section 82, chapter 45,  
4 Oregon Laws 2014, section 9, chapter 59, Oregon Laws 2015, section 7, chap-  
5 ter 100, Oregon Laws 2015, section 7, chapter 224, Oregon Laws 2015, section  
6 11, chapter 362, Oregon Laws 2015, section 10, chapter 470, Oregon Laws  
7 2015, section 30, chapter 515, Oregon Laws 2015, section 10, chapter 206,  
8 Oregon Laws 2017, section 6, chapter 417, Oregon Laws 2017, section 22,  
9 chapter 479, Oregon Laws 2017, section 10, chapter 7, Oregon Laws 2018,  
10 section 69, chapter 13, Oregon Laws 2019, section 38, chapter 151, Oregon  
11 Laws 2019, section 5, chapter 441, Oregon Laws 2019, section 85, chapter 97,  
12 Oregon Laws 2021, section 12, chapter 37, Oregon Laws 2022, section 5,  
13 chapter 111, Oregon Laws 2023, section 2, chapter 152, Oregon Laws 2023,  
14 section 4, chapter 24, Oregon Laws 2024, section 5, chapter 35, Oregon Laws  
15 2024, section 22, chapter 70, Oregon Laws 2024, section 163, chapter 73,  
16 Oregon Laws 2024, sections 6 and 8, chapter 388, Oregon Laws 2025, section  
17 6, chapter 536, Oregon Laws 2025, and section 19, chapter 539, Oregon Laws  
18 2025, is amended to read:

19       750.055. (1) The following provisions apply to health care service con-  
20 tractors to the extent not inconsistent with the express provisions of ORS  
21 750.005 to 750.095:

22       (a) ORS 705.137, 705.138 and 705.139.

23       (b) ORS 731.004 to 731.150, 731.162, 731.216 to 731.362, 731.382, 731.385,  
24 731.386, 731.390, 731.398 to 731.430, 731.428, 731.450, 731.454, 731.485, as pro-  
25 vided in subsection (2) of this section, ORS 731.488, 731.504, 731.508, 731.509,  
26 731.510, 731.511, 731.512, 731.574 to 731.620, 731.640 to 731.652, 731.730, 731.731,  
27 731.735, 731.737, 731.750, 731.752, 731.804, 731.808 and 731.844 to 731.992.

28       (c) ORS 732.215, 732.220, 732.230, 732.245, 732.250, 732.320, 732.325 and  
29 732.517 to 732.596, not including ORS 732.582, and ORS 732.650 to 732.689.

30       (d) ORS 733.010 to 733.050, 733.080, 733.140 to 733.170, 733.210, 733.510 to  
31 733.680 and 733.695 to 733.780.

1       (e) ORS 734.014 to 734.440.

2       (f) ORS 742.001 to 742.009, 742.013, 742.016, 742.061, 742.065, 742.150 to  
3 742.162 and 742.518 to 742.542.

4       (g) ORS 743.004, 743.005, 743.007, 743.008, 743.010, 743.018, 743.020, 743.022,  
5 743.023, 743.025, 743.028, 743.029, 743.038, 743.040, 743.044, 743.050, 743.100 to  
6 743.109, 743.402, 743.405, 743.406, 743.417, 743.472, 743.492, 743.495, 743.498,  
7 743.522, 743.523, 743.524, 743.526, 743.535, 743.550, 743.650 to 743.656, 743.680  
8 to 743.689, 743.788 and 743.790.

9       (h) ORS 743A.010, 743A.012, 743A.014, 743A.020, 743A.034, 743A.036,  
10 743A.040, 743A.044, 743A.048, 743A.051, 743A.052, 743A.058, 743A.060,  
11 743A.062, 743A.063, 743A.064, 743A.065, 743A.066, 743A.068, 743A.070,  
12 743A.080, 743A.081, 743A.082, 743A.084, 743A.088, 743A.090, 743A.100,  
13 743A.104, 743A.105, 743A.108, 743A.110, 743A.124, 743A.140, 743A.141,  
14 743A.148, 743A.150, 743A.160, 743A.168, 743A.169, 743A.170, 743A.171,  
15 743A.175, 743A.185, 743A.188, 743A.190, 743A.192, 743A.250, 743A.252,  
16 743A.260[, 743A.310] and 743A.315.

17       (i) ORS 743B.001, 743B.003 to 743B.127, 743B.128, 743B.130, 743B.195,  
18 743B.197, 743B.200, 743B.202, 743B.204, 743B.220, [743B.221,] 743B.222,  
19 743B.225, 743B.227, 743B.250, 743B.252, 743B.253, 743B.254, 743B.255, 743B.256,  
20 743B.257, 743B.258, 743B.275 to 743B.285, 743B.287, 743B.300, 743B.310,  
21 743B.320, 743B.323, 743B.330, 743B.340, 743B.341, 743B.342, 743B.343 to  
22 743B.347, 743B.400, 743B.403, 743B.407, 743B.420, 743B.423, 743B.430, 743B.445,  
23 743B.450, 743B.451, 743B.452, 743B.453, 743B.470, 743B.475, 743B.505, 743B.550,  
24 743B.555, 743B.601, 743B.602, 743B.603, 743B.607, 743B.610 and 743B.800.

25       (j) The following provisions of ORS chapter 744:

26       (A) ORS 744.052 to 744.089, 744.091 and 744.093, relating to the regulation  
27 of insurance producers;

28       (B) ORS 744.602 to 744.665, relating to the regulation of insurance con-  
29 sultants; and

30       (C) ORS 744.700 to 744.740, relating to the regulation of third party ad-  
31 ministrators.

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

4       (2) The following provisions of the Insurance Code apply to health care  
5 service contractors except in the case of group practice health maintenance  
6 organizations that are federally qualified pursuant to Title XIII of the Public  
7 Health Service Act:

8       (a) ORS 731.485, if the group practice health maintenance organization  
9 wholly owns and operates an in-house drug outlet.

10       (b) ORS 743A.024, unless the patient is referred by a physician, physician  
11 associate or nurse practitioner associated with a group practice health  
12 maintenance organization.

13       (3) For the purposes of this section, health care service contractors are  
14 insurers.

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

18       (5)(a) A health care service contractor is a domestic insurance company  
19 for the purpose of determining whether the health care service contractor is  
20 a debtor, as defined in 11 U.S.C. 109.

21       (b) A health care service contractor's classification as a domestic insur-  
22 ance company under paragraph (a) of this subsection does not subject the  
23 health care service contractor to ORS 734.510 to 734.710.

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

28       **SECTION 35.** ORS 750.333 is amended to read:

29       750.333. (1) The following provisions apply to trusts carrying out a mul-  
30 tiple employer welfare arrangement:

31       (a) ORS 705.137, 705.138 and 705.139.

1       (b) ORS 731.004 to 731.150, 731.162, 731.216 to 731.268, 731.296 to 731.316,  
2     731.324, 731.328, 731.378, 731.386, 731.390, 731.398, 731.406, 731.410, 731.414,  
3     731.418 to 731.434, 731.454, 731.484, 731.486, 731.488, 731.512, 731.574 to 731.620,  
4     731.640 to 731.652, 731.804, 731.808 and 731.844 to 731.992.

5       (c) ORS 733.010 to 733.050, 733.140 to 733.170, 733.210, 733.510 to 733.680  
6     and 733.695 to 733.780.

7       (d) ORS 734.014 to 734.440.

8       (e) ORS 742.001 to 742.009, 742.013, 742.016, 742.061 and 742.065.

9       (f) ORS 743.004, 743.005, 743.007, 743.008, 743.010, 743.018, 743.020, 743.023,  
10    743.028, 743.029, 743.053, 743.405, 743.406, 743.524, 743.526[,] **and** 743.535 [*and*  
11    743B.221].

12      (g) ORS 743A.010, 743A.012, 743A.014, 743A.020, 743A.024, 743A.034,  
13     743A.036, 743A.040, 743A.048, 743A.051, 743A.052, 743A.058, 743A.060,  
14     743A.062, 743A.063, 743A.064, 743A.065, 743A.066, 743A.068, 743A.070,  
15     743A.080, 743A.081, 743A.082, 743A.084, 743A.088, 743A.090, 743A.100,  
16     743A.104, 743A.105, 743A.108, 743A.110, 743A.124, 743A.140, 743A.141,  
17     743A.148, 743A.150, 743A.160, 743A.168, 743A.169, 743A.170, 743A.171,  
18     743A.175, 743A.180, 743A.185, 743A.188, 743A.190, 743A.192, 743A.250,  
19     743A.252[,] **and** 743A.260 [*and* 743A.310].

20      (h) ORS 743B.001, 743B.003 to 743B.127 (except 743B.125 to 743B.127),  
21     743B.195, 743B.197, 743B.200, 743B.202, 743B.204, 743B.220, 743B.222, 743B.225,  
22     743B.227, 743B.250, 743B.252, 743B.253, 743B.254, 743B.255, 743B.256, 743B.257,  
23     743B.258, 743B.310, 743B.320, 743B.321, 743B.330, 743B.340, 743B.341, 743B.342,  
24     743B.343, 743B.344, 743B.345, 743B.347, 743B.400, 743B.403, 743B.407, 743B.420,  
25     743B.423, 743B.430, 743B.451, 743B.453, 743B.470, 743B.505, 743B.550, 743B.555,  
26     743B.601, 743B.607 and 743B.610.

27      (i) The following provisions of ORS chapter 744:

28       (A) ORS 744.052 to 744.089, 744.091 and 744.093, relating to the regulation  
29     of insurance producers;

30       (B) ORS 744.602 to 744.665, relating to the regulation of insurance con-  
31     sultants; and

1       (C) ORS 744.700 to 744.740, relating to the regulation of third party ad-  
2 ministrators.

3       (j) ORS 746.005 to 746.140, 746.160 and 746.220 to 746.370.

4       (2) For the purposes of this section:

5       (a) A trust carrying out a multiple employer welfare arrangement is an  
6 insurer.

7       (b) References to certificates of authority are references to certificates  
8 of multiple employer welfare arrangement.

9       (c) Contributions are premiums.

10      (3) The provision of health benefits under ORS 750.301 to 750.341 is the  
11 transaction of health insurance.

12      (4) The Department of Consumer and Business Services may adopt rules  
13 that are necessary to implement the provisions of ORS 750.301 to 750.341.

14      **SECTION 36.** ORS 750.333, as amended by section 10, chapter 388, Oregon  
15 Laws 2025, is amended to read:

16      750.333. (1) The following provisions apply to trusts carrying out a mul-  
17 tiple employer welfare arrangement:

18       (a) ORS 705.137, 705.138 and 705.139.

19       (b) ORS 731.004 to 731.150, 731.162, 731.216 to 731.268, 731.296 to 731.316,  
20 731.324, 731.328, 731.378, 731.386, 731.390, 731.398, 731.406, 731.410, 731.414,  
21 731.418 to 731.434, 731.454, 731.484, 731.486, 731.488, 731.512, 731.574 to 731.620,  
22 731.640 to 731.652, 731.804, 731.808 and 731.844 to 731.992.

23       (c) ORS 733.010 to 733.050, 733.140 to 733.170, 733.210, 733.510 to 733.680  
24 and 733.695 to 733.780.

25       (d) ORS 734.014 to 734.440.

26       (e) ORS 742.001 to 742.009, 742.013, 742.016, 742.061 and 742.065.

27       (f) ORS 743.004, 743.005, 743.007, 743.008, 743.010, 743.018, 743.020, 743.023,  
28 743.028, 743.029, 743.053, 743.405, 743.406, 743.524, 743.526[,] and 743.535 [and  
29 743B.221].

30       (g) ORS 743A.010, 743A.012, 743A.014, 743A.020, 743A.024, 743A.034,  
31 743A.036, 743A.040, 743A.048, 743A.051, 743A.052, 743A.058, 743A.060,

1 743A.062, 743A.063, 743A.064, 743A.065, 743A.066, 743A.068, 743A.070,  
2 743A.080, 743A.081, 743A.082, 743A.084, 743A.088, 743A.090, 743A.100,  
3 743A.104, 743A.105, 743A.108, 743A.110, 743A.124, 743A.140, 743A.141,  
4 743A.148, 743A.150, 743A.160, 743A.168, 743A.169, 743A.170, 743A.171,  
5 743A.175, 743A.180, 743A.185, 743A.188, 743A.190, 743A.192, 743A.250,  
6 743A.252[,] **and** 743A.260 [*and* 743A.310].

7 (h) ORS 743B.001, 743B.003 to 743B.127 (except 743B.125 to 743B.127),  
8 743B.195, 743B.197, 743B.200, 743B.202, 743B.204, 743B.220, 743B.222, 743B.225,  
9 743B.227, 743B.250, 743B.252, 743B.253, 743B.254, 743B.255, 743B.256, 743B.257,  
10 743B.258, 743B.310, 743B.320, 743B.321, 743B.330, 743B.340, 743B.341, 743B.342,  
11 743B.343, 743B.344, 743B.345, 743B.347, 743B.400, 743B.403, 743B.407, 743B.420,  
12 743B.423, 743B.430, 743B.445, 743B.451, 743B.453, 743B.470, 743B.505, 743B.550,  
13 743B.555, 743B.601, 743B.607 and 743B.610.

14 (i) The following provisions of ORS chapter 744:

15 (A) ORS 744.052 to 744.089, 744.091 and 744.093, relating to the regulation  
16 of insurance producers;

17 (B) ORS 744.602 to 744.665, relating to the regulation of insurance con-  
18 sultants; and

19 (C) ORS 744.700 to 744.740, relating to the regulation of third party ad-  
20 ministrators.

21 (j) ORS 746.005 to 746.140, 746.160 and 746.220 to 746.370.

22 (2) For the purposes of this section:

23 (a) A trust carrying out a multiple employer welfare arrangement is an  
24 insurer.

25 (b) References to certificates of authority are references to certificates  
26 of multiple employer welfare arrangement.

27 (c) Contributions are premiums.

28 (3) The provision of health benefits under ORS 750.301 to 750.341 is the  
29 transaction of health insurance.

30 (4) The Department of Consumer and Business Services may adopt rules  
31 that are necessary to implement the provisions of ORS 750.301 to 750.341.

**PHARMACY****SECTION 37.** ORS 744.702 is amended to read:

744.702. (1) Subject to ORS 744.704, a person shall not transact business or purport or offer to transact business as a third party administrator in this state unless the person holds a third party administrator license issued by the Director of the Department of Consumer and Business Services.

(2) For purposes of ORS 744.700 to 744.740, a person transacts or purports or offers to transact business as a third party administrator if the person:

(a) Directly or indirectly solicits or effects coverage of, underwrites, collects charges or premiums from, or adjusts or settles claims on, residents of this state or residents of another state from offices in this state, in connection with life insurance or health insurance coverage; or

(b) Acts as a pharmacy services administrative organization, as defined in ORS 735.538, or as an organization that advises or represents pharmacies that are members of the organization, or that enters into contracts on behalf of members, in matters that are related to procuring or supplying prescription drugs.

(3) A pharmacy services administrative organization, as defined in ORS 735.538, is exempt from the requirement to obtain a license under [ORS 735.538] **subsection (2) of this section**, if the pharmacy services administrative organization is not owned by a pharmacy benefit manager and generates revenue only from monthly service fees that a pharmacy pays for services that are not connected to drug pricing or volume.

(4) Nothing in ORS 744.700 to 744.740 exempts a third party administrator from any other applicable licensing requirement when the third party administrator performs the functions of an insurance producer, adjuster or insurance consultant.

**SECTION 38.** ORS 646A.693 is amended to read:

646A.693. (1) The Prescription Drug Affordability Board is established in the Department of Consumer and Business Services to protect residents of

1 this state, state and local governments, commercial health plans, health care  
2 providers, pharmacies licensed in this state and other stakeholders within  
3 the health care system in this state from the high costs of prescription drugs.

4 (2) The board consists of eight members appointed by the Governor.

5 (3) The term of office of each member of the board is four years, but a  
6 member serves at the pleasure of the Governor. Before the expiration of the  
7 term of a member, the Governor shall appoint a successor whose term begins  
8 on January 1 next following. A member is eligible for reappointment. If there  
9 is a vacancy for any cause, the Governor shall make an appointment to be-  
10 come immediately effective for the unexpired term.

11 (4) The appointment of each member of the board is subject to confirma-  
12 tion by the Senate in the manner prescribed in ORS 171.562 and 171.565.

13 (5) A member of the board is entitled to compensation and expenses as  
14 provided in ORS 292.495.

15 (6) The members of the board must be residents of this state with exper-  
16 tise in health care economics and clinical medicine.

17 (7) A member of the board may not be an employee of, a board member  
18 of or a consultant to a manufacturer or a trade association of manufacturers.

19 (8) **The Governor shall select one of the members of the board as**  
20 **chairperson.** The board shall select one of its members [*as chairperson and*  
21 *another*] as vice chairperson[*,*]. **The chairperson and vice chairperson**  
22 **shall serve** for terms and with duties and powers necessary for the per-  
23 formance of the functions of the offices as the board determines.

24 (9) A majority of the members of the board constitutes a quorum for the  
25 transaction of business.

26 (10) The department shall appoint an executive director for the board,  
27 may employ consultants, investigators or other staff and shall provide staff  
28 support to the board to carry out its duties.

29 (11) The board shall meet at least once every six weeks at a time and  
30 place determined by the chairperson. The chairperson may cancel or postpone  
31 a regular meeting if there is no prescription drug to review. The board may

1 also meet at other times and places specified by the call of the chairperson  
2 or of a majority of the members of the board.

3 (12)(a) The following actions by the board shall be open to the public in  
4 accordance with ORS 192.610 to 192.705:

5 (A) Any deliberation on whether to conduct an affordability review of a  
6 prescription drug under ORS 646A.694; and

7 (B) Any decision or deliberation toward a decision on any matter before  
8 the board except as provided in paragraph (b) of this subsection.

9 (b) The board may meet in executive session to discuss trade secret in-  
10 formation.

11 (13) The board shall:

12 (a) Provide public notice of each board meeting at least two weeks in  
13 advance of the meeting;

14 (b) Make materials for each board meeting available to the public at least  
15 one week in advance of the meeting;

16 (c) Provide an opportunity for public comment at each open meeting of  
17 the board; and

18 (d) Provide the public with the opportunity to submit written comments  
19 on any pending decision of the board.

20 (14) The board may allow expert testimony at board meetings, including  
21 when the board meets in executive session.

22 (15)(a) A member of the board shall recuse the member from decisions  
23 related to a prescription drug if the member, or an immediate family member  
24 of the member, has received or could receive any of the following:

25 (A) A direct financial benefit of any amount deriving from the result or  
26 finding of a study, review or determination by or for the board; or

27 (B) A financial benefit from any person that owns, manufactures, or pro-  
28 vides prescription drugs, services or items to be reviewed by the board that  
29 in the aggregate exceeds \$5,000 per year.

30 (b) For the purposes of paragraph (a) of this subsection, a financial ben-  
31 efit includes honoraria, fees, stock, the value of the member's or immediate

1 family member's stock holdings and any direct financial benefit deriving  
2 from the result or finding of a study, review or determination by or for the  
3 board.

4 (c) A conflict of interest shall be disclosed:

5 (A) By the board when hiring board staff;

6 (B) By the Governor when appointing members to the board; and

7 (C) By the board, when a member of the board is recused in any final  
8 decision resulting from a review of a prescription drug.

9 (d) A conflict of interest shall be disclosed at the earlier of:

10 (A) Prior to the first board meeting after the conflict is identified; or

11 (B) Within five days after the conflict is identified.

12 (e) A conflict of interest disclosed under this section shall be posted on  
13 the website of the board unless the chairperson of the board recuses the  
14 member from any final decision resulting from a review of a prescription  
15 drug.

16 (f) A posting under paragraph (e) of this subsection shall include the type,  
17 nature and magnitude of the conflict of interest of the member involved.

18 (16) Members of the board, staff and third parties that contract with the  
19 board may not accept any gift or donation of services or property that cre-  
20 ates a potential conflict of interest or has the appearance of biasing the work  
21 of the board.

22 (17)(a) The board may enter into a contract with a qualified, independent  
23 third party for any service necessary to carry out the powers and duties of  
24 the board.

25 (b) Unless permission is granted by the board, a third party hired by the  
26 board may not release, publish or otherwise use any information to which  
27 the third party has access under its contract.

28 (18) In accordance with applicable provisions of ORS chapter 183, the  
29 board may adopt rules necessary for the administration of ORS 646A.680 to  
30 646A.697.

31 **SECTION 39. Nothing in the amendments to ORS 646A.693 by sec-**

1 **tion 38 of this 2026 Act affects the term of office of any member of the**  
2 **Prescription Drug Affordability Board appointed prior to and serving**  
3 **on the effective date of this 2026 Act.**

4

5 **PSILOCYBIN**

6

7 **SECTION 40.** ORS 475A.325 is amended to read:

8 475A.325. [*Facilitator license; fees; rules.*] (1) The facilitation of psilocybin  
9 services is subject to regulation by the Oregon Health Authority.

10 (2) A psilocybin service facilitator must have a facilitator license issued  
11 by the authority. To hold a facilitator license issued under this section, a  
12 psilocybin service facilitator **shall**:

13 (a) [*Must*] Apply for a license in the manner described in ORS 475A.245;

14 (b) [*Must*] Provide proof that the applicant is 21 years of age or older;

15 [(c) *Must, until January 1, 2025, provide proof that the applicant has been*  
16 *a resident of this state for two or more years;*]

17 [(d)] (c) [*Must*] Have a high school diploma or equivalent education;

18 [(e)] (d) [*Must*] Submit evidence of completion of education and training  
19 prescribed and approved by the authority;

20 [(f)] (e) [*Must*] Have passed an examination approved, administered or  
21 recognized by the authority; and

22 [(g)] (f) [*Must*] Meet the requirements of any rule adopted by the au-  
23 thority under subsection (4) of this section.

24 (3) The authority may not require a psilocybin service facilitator to have  
25 a degree from a university, college, post-secondary institution[,] or other in-  
26 stitution of higher education.

27 (4) The authority shall adopt rules that:

28 (a) Require a psilocybin service facilitator to annually renew a license  
29 issued under this section;

30 (b) Establish application, licensure and renewal of licensure fees for  
31 psilocybin service facilitators; [*and*]

1       (c) Require a psilocybin service facilitator to meet any public health and  
2 safety standards and industry best practices established by the authority by  
3 rule[.]; **and**

4       (d) **Allow an applicant who has completed a psilocybin service**  
5 **facilitator training program in another state if the training program**  
6 **is approved by the regulatory body responsible for regulating**  
7 **psilocybin in that state and is approved by the authority. The author-**  
8 **ity may approve a training program described in this paragraph if the**  
9 **authority finds that the training program is substantially similar to**  
10 **those training programs in this state that are approved by the au-**  
11 **thority under ORS 475A.380.**

12       (5) Fees adopted under subsection (4)(b) of this section:

13       (a) May not exceed, together with other fees collected under ORS  
14 475A.210 to 475A.722, the cost of administering ORS 475A.210 to 475A.722;  
15 and

16       (b) Shall be deposited in the Psilocybin Control and Regulation Fund es-  
17 tablished under ORS 475A.492.

18       (6) A psilocybin service facilitator may be, *[but need not be,]* **but is not**  
19 **required to be**, an employee, manager, director, officer, partner, member,  
20 shareholder[,] or direct or indirect owner of one or more psilocybin service  
21 center operators.

22       (7) A license issued to a psilocybin service facilitator under this section  
23 is not limited to any one or more premises.

24       **SECTION 41.** ORS 475A.338 is amended to read:

25       475A.338. (1)(a) As used in this subsection, “board” means:

26       **(A) The Occupational Therapy Licensing Board;**

27       [(A)] **(B)** The Oregon Board of Licensed Professional Counselors and  
28 Therapists;

29       [(B)] **(C)** The Oregon Board of Naturopathic Medicine;

30       **(D) The Oregon Board of Physical Therapy;**

31       [(C)] **(E)** The Oregon Board of Psychology;

1       [(D)] **(F)** The Oregon Medical Board;

2       [(E)] **(G)** The Oregon State Board of Nursing;

3       [(F)] **(H)** The State Board of Licensed Social Workers; and

4       [(G)] **(I)** The State Board of Pharmacy.

5       (b) A person who is licensed or otherwise authorized by a board to pro-

6       vide health care or behavioral health care services and who holds a license

7       under ORS 475A.325 may, in accordance with the provisions of ORS 475A.210

8       to 475A.722 and rules adopted under ORS 475A.210 to 475A.722:

9           (A) Conduct preparation sessions and integration sessions with clients in

10          addition to and while providing health care or behavioral health care ser-

11          vices.

12           (B) Conduct administration sessions with clients, so long as the person

13          does not provide health care or behavioral health care services while pro-

14          viding psilocybin services.

15       (2) A health care provider, as defined in ORS 127.505, may not be subject

16          to a civil penalty or other disciplinary action by the state agency that reg-

17          ulates the health care provider for:

18           (a) Discussing with a client or patient, as a treatment option, psilocybin

19          services provided by a psilocybin service facilitator that holds a license is-

20          sued under ORS 475A.325 at a psilocybin service center for which a license

21          is issued under ORS 475A.305; or

22           (b) If the health care provider holds a license issued under ORS 475A.325,

23          providing psilocybin services in accordance with the provisions of ORS

24          475A.210 to 475A.722 and rules adopted under ORS 475A.210 to 475A.722, so

25          long as the health care provider does not provide health care services while

26          providing psilocybin services.

27       **SECTION 42.** ORS 475A.372 is amended to read:

28       475A.372. (1) As used in this section, “adverse behavioral reaction” and

29          “adverse medical reaction” have the meanings given those terms by rule by

30          the Oregon Health Authority.

31       (2) A psilocybin service center operator that holds a license issued under

1 ORS 475A.305 shall:

2 (a) Collect and maintain the following information, in addition to the  
3 information required to complete a client information form described in ORS  
4 475A.350:

5 (A) The race, ethnicity, preferred spoken and written languages, disability  
6 status, sexual orientation, gender identity, income, age, veteran status and  
7 county of residence of each client; and

8 (B) The reasons for which a client requests psilocybin services;

9 (b) Compile and maintain the following information that pertains to the  
10 three-month period immediately preceding a quarterly submission under  
11 subsection (4) of this section:

12 (A) The number of clients served;

13 (B) The number of individual administration sessions provided;

14 (C) The number of group administration sessions provided;

15 (D) The number of individuals to whom the psilocybin service center or  
16 a psilocybin service facilitator practicing at the psilocybin service center  
17 denied psilocybin services and the reasons for which psilocybin services were  
18 denied;

19 (E) The number and severity of:

20 (i) Adverse behavioral reactions experienced by clients, of which the  
21 psilocybin service center operator is aware; and

22 (ii) Adverse medical reactions experienced by clients, of which the  
23 psilocybin service center operator is aware; and

24 (F) Any additional information required by the authority by rule as de-  
25 scribed in subsection (7) of this section; and

26 (c) Compute, for the period described in paragraph (b) of this subsection,  
27 and maintain the following information:

28 (A) The average number of times per client that psilocybin services were  
29 received;

30 (B) The average number of clients participating in each group adminis-  
31 tration session; [and]

1       **(C) For doses higher than five milligrams of psilocybin analyte, the**  
2       **total average dose of psilocybin per client per administration session[.]; and**  
3       **(D) For doses of five milligrams or less of psilocybin analyte, the**  
4       **total average dose of psilocybin per client per administration session.**

5       (3) Pursuant to rules adopted by the authority, a client may request that  
6       a psilocybin service center operator not submit to the authority information  
7       provided by the client as described in subsection (2) of this section.

8       (4) Subject to subsection (3) of this section, a psilocybin service center  
9       operator shall aggregate and submit, in a manner that protects the per-  
10      sonally identifiable information of a client or individual from whom infor-  
11      mation is collected, to the authority on a quarterly basis the information  
12      described in subsection (2) of this section. The authority may exempt from  
13      the submission requirement information that the authority determines cannot  
14      be adequately deidentified.

15      (5) The authority shall submit the information received under subsection  
16      (4) of this section to the Oregon Health and Science University for the pur-  
17      pose of enabling the evaluation of outcomes of psilocybin services provided  
18      under ORS 475A.210 to 475A.722.

19      (6)(a) Except as otherwise required by law, the information collected,  
20      maintained and reported under this section is exempt from disclosure under  
21      ORS 192.311 to 192.478.

22      (b) Information collected, computed, maintained or reported under this  
23      section may not be sold.

24      (7) The authority may adopt rules to carry out this section. Rules  
25      adopted under this section may include rules to require a psilocybin service  
26      center operator to collect and submit to the authority information in addi-  
27      tion to that described in subsection (2) of this section that, in the discretion  
28      of the authority, would be beneficial to understanding the outcomes of  
29      psilocybin services provided under ORS 475A.210 to 475A.722.

30      **SECTION 43.** (1) The amendments to ORS 475A.325, 475A.338 and  
31      475A.372 by sections 40 to 42 of this 2026 Act become operative on

1 **January 1, 2027.**

2 **(2) The Oregon Health Authority, the Occupational Therapy Li-**  
3 **censing Board and the Oregon Board of Physical Therapy may take**  
4 **any action before the operative date specified in subsection (1) of this**  
5 **section that is necessary to enable the authority and the boards to**  
6 **exercise, on and after the operative date specified in subsection (1) of**  
7 **this section, all of the duties, functions and powers conferred on the**  
8 **authority and the boards by the amendments to ORS 475A.325, 475A.338**  
9 **and 475A.372 by sections 40 to 42 of this 2026 Act.**

10

11 **NATUROPATHIC PHYSICIANS**

12

13 **SECTION 44. Sections 45 and 46 of this 2026 Act are added to and**  
14 **made a part of ORS chapter 685.**

15 **SECTION 45. A naturopathic physician may prescribe durable**  
16 **medical equipment.**

17 **SECTION 46. A naturopathic physician may cause a patient to be**  
18 **admitted to a hospital.**

19 **SECTION 47. ORS 685.100 is amended to read:**

20 685.100. (1) Upon approval of an application for a licensure, the Oregon  
21 Board of Naturopathic Medicine shall issue a license certificate that shall  
22 be displayed at all times in the office of the person to whom it was issued  
23 while the license is active.

24 (2) A person holding an active license issued under this chapter may apply  
25 to the board for license renewal. A completed renewal application consists  
26 of:

27 (a) A completed board renewal form containing any information required  
28 by the board to determine the applicant's eligibility for license renewal;

29 (b) Proof of compliance with continuing education requirements set by the  
30 board; and

31 (c) Payment of the active license renewal fee established by the board

1 under subsection (8) of this section.

2 (3) Failure to submit a completed renewal application annually by De-  
3 cember 31, or by such date as may be specified by board rule, results in the  
4 lapse of the license. A lapsed license may be restored by the board upon re-  
5 ceipt, not more than 30 days after the license lapses, of a completed renewal  
6 application and payment of the restoration fee under subsection (8) of this  
7 section.

8 (4) A license that has lapsed for more than one month may be restored  
9 by the board upon payment of the restoration fee established by the board  
10 and submission of a completed renewal application and any other informa-  
11 tion required by the board.

12 (5) A person holding an active license under this chapter may convert the  
13 license to inactive status by meeting the requirements set by rule of the  
14 board and paying any required fees. A person holding a license issued under  
15 this chapter who is at least [70] **60** years of age and retired from the practice  
16 of naturopathic medicine may convert the license to retired status by meet-  
17 ing the requirements set by rule of the board and paying any required fees.

18 (6)(a) A person who chooses to allow a license to become inactive may file  
19 a written application to reactivate a license that has been inactive for one  
20 year or less by paying the restoration fee and the renewal fee for an active  
21 license and demonstrating compliance with ORS 685.102. A fee paid to place  
22 the license in inactive status may not be credited toward payment of the  
23 renewal fee for an active license. The board may prorate the renewal fee.

24 (b) A person who chooses to allow a license to become inactive may file  
25 a written application to reactivate a license that has been inactive for more  
26 than one year by paying the renewal fee for an active license and demon-  
27 strating compliance with the continuing education requirement set by rule  
28 of the board under ORS 685.102 (6). The board may prorate the renewal fee.

29 (7) The executive director of the board shall issue a renewal notice to  
30 each person holding a license under this chapter at least 60 days before the  
31 renewal application is due.

1       (8) The board shall assess fees for:

2       (a) An initial license.

3       (b) Examination.

4       (c) Renewal of an active license.

5       (d) Yearly renewal of an inactive or retired license.

6       (e) Restoration of an inactive, lapsed or revoked license.

7       (f) A certificate of special competency in natural childbirth.

8       (g) A duplicate license.

9       (h) A wall certificate.

10      (i) Copies of public documents, mailing labels, lists and diskettes.

11      (9) Subject to prior approval of the Oregon Department of Administrative

12     Services, the fees and charges established under this section may not exceed

13     the cost of administering the regulatory program of the [board] **Oregon**

14     **Board of Naturopathic Medicine** pertaining to the purpose for which the

15     fee or charge is established, as authorized by the Legislative Assembly

16     within the board's budget, as the budget may be modified by the Emergency

17     Board.

18      SECTION 47a. ORS 685.102 is amended to read:

19      685.102. (1) Except as provided in subsections (2) and (5) of this section,

20     each person holding a license under this chapter shall submit annually by

21     December 31, evidence satisfactory to the Oregon Board of Naturopathic

22     Medicine of successful completion of an approved program of continuing ed-

23     ucation of at least 25 hours in naturopathic medicine, completed in the cal-

24     endar year preceding the date on which the evidence is submitted, and

25     completion during the renewal period, or documentation of completion within

26     the previous 36 months, of:

27       (a) A pain management education program approved by the board and

28     developed based on recommendations of the Pain Management Commission;

29     or

30       (b) An equivalent pain management education program, as determined by

31     the board.

1       (2) The board may exempt any person holding a license under this chapter  
2 from the requirements of subsection (1) of this section upon application  
3 showing evidence satisfactory to the board of inability to comply with the  
4 requirements because of physical or mental condition or because of other  
5 unusual or extenuating circumstances. However, a person may not be ex-  
6 empted from the requirements of subsection (1) of this section more than  
7 once in any five-year period.

8       (3) Notwithstanding subsection (2) of this section, a person holding a li-  
9 cense under this chapter may be exempted from the requirements of sub-  
10 section (1) of this section upon application showing evidence satisfactory to  
11 the board that the applicant is or will be in the next calendar year at least  
12 [70] **60** years of age and is retired or will retire in the next calendar year  
13 from the practice of naturopathic medicine.

14       (4) The board shall require licensees to obtain continuing education for  
15 the use of pharmacological substances for diagnostic, preventive and  
16 therapeutic purposes in order to maintain current licensure.

17       (5) A person whose license is in inactive status must submit by December  
18 31 of each year evidence satisfactory to the board of completion of 10 hours  
19 of approved continuing education in the calendar year preceding the date on  
20 which the evidence is submitted.

21       (6) Notwithstanding subsections (1), (2) and (5) of this section, in the case  
22 of an applicant under ORS 685.100 (6)(b) for reactivation of an inactive li-  
23 cense, the continuing education requirement for reactivation shall be set by  
24 rule of the board.

25       **SECTION 48.** (1) **Sections 45 and 46 of this 2026 Act and the**  
26 **amendments to ORS 685.100 and 685.102 by sections 47 and 47a of this**  
27 **2026 Act become operative on January 1, 2027.**

28       **(2) The Oregon Board of Naturopathic Medicine may take any**  
29 **action before the operative date specified in subsection (1) of this sec-**  
30 **tion that is necessary to enable the board to exercise, on and after the**  
31 **operative date specified in subsection (1) of this section, all of the du-**

1 ties, functions and powers conferred on the board by sections 45 and  
2 46 of this 2026 Act and the amendments to ORS 685.100 and 685.102 by  
3 sections 47 and 47a of this 2026 Act.

4

5 **WORKERS' COMPENSATION RECLASSIFICATION OF**  
6 **PHYSICIAN ASSOCIATES AND NURSE PRACTITIONERS**

7

8 **SECTION 49.** ORS 656.005 is amended to read:

9 656.005. (1) "Average weekly wage" means the Oregon average weekly  
10 wage in covered employment, as determined by the Employment Department,  
11 for the last quarter of the calendar year preceding the fiscal year in which  
12 the injury occurred.

13 (2)(a) "Beneficiary" means an injured worker, and the spouse in a mar-  
14 riage, child or dependent of a worker, who is entitled to receive payments  
15 under this chapter.

16 (b) "Beneficiary" does not include a person who intentionally causes the  
17 compensable injury to or death of an injured worker.

18 (3) "Board" means the Workers' Compensation Board.

19 (4) "Carrier-insured employer" means an employer who provides workers'  
20 compensation coverage with the State Accident Insurance Fund Corporation  
21 or an insurer authorized under ORS chapter 731 to transact workers' com-  
22 pensation insurance in this state.

23 (5) "Child" means a child of an injured worker, including:

24 (a) A posthumous child;

25 (b) A child legally adopted before the injury;

26 (c) A child toward whom the worker stands in loco parentis;

27 (d) A child born out of wedlock;

28 (e) A stepchild, if the stepchild was, at the time of the injury, a member  
29 of the worker's family and substantially dependent upon the worker for  
30 support; and

31 (f) A child of any age who was incapacitated at the time of the accident

1 and thereafter remains incapacitated and substantially dependent on the  
2 worker for support.

3 (6) "Claim" means a written request for compensation from a subject  
4 worker or someone on the worker's behalf, or any compensable injury of  
5 which a subject employer has notice or knowledge.

6 (7)(a) A "compensable injury" is an accidental injury, or accidental injury  
7 to prosthetic appliances, arising out of and in the course of employment re-  
8 quiring medical services or resulting in disability or death. An injury is ac-  
9 cidental if the result is an accident, whether or not due to accidental means,  
10 if it is established by medical evidence supported by objective findings, sub-  
11 ject to the following limitations:

12 (A) An injury or disease is not compensable as a consequence of a  
13 compensable injury unless the compensable injury is the major contributing  
14 cause of the consequential condition.

15 (B) If an otherwise compensable injury combines at any time with a pre-  
16 existing condition to cause or prolong disability or a need for treatment, the  
17 combined condition is compensable only if, so long as and to the extent that  
18 the otherwise compensable injury is the major contributing cause of the  
19 disability of the combined condition or the major contributing cause of the  
20 need for treatment of the combined condition.

21 (b) "Compensable injury" does not include:

22 (A) Injury to any active participant in assaults or combats that are not  
23 connected to the job assignment and that amount to a deviation from cus-  
24 tomary duties;

25 (B) Injury incurred while engaging in or performing, or as the result of  
26 engaging in or performing, any recreational or social activities primarily for  
27 the worker's personal pleasure; or

28 (C) Injury the major contributing cause of which is demonstrated to be  
29 by a preponderance of the evidence the injured worker's consumption of al-  
30 coholic beverages or cannabis or the unlawful consumption of any controlled  
31 substance, unless the employer permitted, encouraged or had actual knowl-

1 edge of such consumption.

2 (c) A “disabling compensable injury” is an injury that entitles the worker  
3 to compensation for disability or death. An injury is not disabling if no  
4 temporary benefits are due and payable, unless there is a reasonable expec-  
5 tation that permanent disability will result from the injury.

6 (d) A “nondisabling compensable injury” is any injury that requires med-  
7 ical services only.

8 (8) “Compensation” includes all benefits, including medical services, pro-  
9 vided for a compensable injury to a subject worker or the worker’s benefi-  
10 ciaries by an insurer or self-insured employer pursuant to this chapter.

11 (9) “Department” means the Department of Consumer and Business Ser-  
12 vices.

13 (10) “Dependent” means any of the following individuals who, at the time  
14 of an accident, depended in whole or in part for the individual’s support on  
15 the earnings of a worker who dies as a result of an injury:

16 (a) A parent of a worker or the parent’s spouse or domestic partner;  
17 (b) A grandparent of a worker or the grandparent’s spouse or domestic  
18 partner;

19 (c) A grandchild of a worker or the grandchild’s spouse or domestic  
20 partner;

21 (d) A sibling or stepsibling of a worker or the sibling’s or stepsibling’s  
22 spouse or domestic partner; and

23 (e) Any individual related by blood or affinity whose close association  
24 with a worker is the equivalent of a family relationship.

25 (11) “Director” means the Director of the Department of Consumer and  
26 Business Services.

27 (12)(a) [“*Doctor*” or “*physician*”] **“Doctor,” “physician,” “nurse practi-**  
28 **tioner” or “physician associate”** means a person duly licensed to practice  
29 one or more of the healing arts in any country or in any state, territory or  
30 possession of the United States within the limits of the license of the  
31 licensee.

1       (b) Except as otherwise provided for workers subject to a managed care  
2 contract, “attending physician” means a doctor, physician, **nurse practi-**  
3 **tioner** or physician associate who is primarily responsible for the treatment  
4 of a worker’s compensable injury and who is:

5       (A)(i) A physician licensed under ORS 677.100 to 677.228 by the Oregon  
6 Medical Board;[*, or*]

7       (ii) A podiatric physician and surgeon licensed under ORS 677.805 to  
8 677.840 by the Oregon Medical Board;[*,*]

9       (iii) An oral and maxillofacial surgeon licensed by the Oregon Board of  
10 Dentistry; [*or*]

11       (iv) **A nurse practitioner licensed under ORS 678.375 to 678.390 or a**  
12 **similarly licensed nurse practitioner in any country or in any state,**  
13 **territory or possession of the United States;**

14       (v) **A physician associate licensed by the Oregon Medical Board in**  
15 **accordance with ORS 677.505 to 677.525 or a similarly licensed physician**  
16 **associate in any country or in any state, territory or possession of the**  
17 **United States; or**

18       (vi) A similarly licensed doctor in any country or in any state, territory  
19 or possession of the United States; **or**

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

23       (i) Doctor or physician licensed by the State Board of Chiropractic Ex-  
24 aminers for the State of Oregon under ORS chapter 684 or a similarly li-  
25 censed doctor or physician in any country or in any state, territory or  
26 possession of the United States; or

27       (ii) Doctor of naturopathy or naturopathic physician licensed by the  
28 Oregon Board of Naturopathic Medicine under ORS chapter 685 or a simi-  
29 larly licensed doctor or physician in any country or in any state, territory  
30 or possession of the United States.[*; or*]

31       [(C) *For a cumulative total of 180 days from the first visit on the initial*

1 *claim, a physician associate licensed by the Oregon Medical Board in accordance with ORS 677.505 to 677.525 or a similarly licensed physician associate in any country or in any state, territory or possession of the United States.]*

4 (c) Except as otherwise provided for workers subject to a managed care  
5 contract, “attending physician” does not include a physician who provides  
6 care in a hospital emergency room and refers the injured worker to a pri-  
7 mary care physician for follow-up care and treatment.

8 (d) “Consulting physician” means a doctor or physician who examines a  
9 worker or the worker’s medical record to advise the attending physician [or  
10 *nurse practitioner authorized to provide compensable medical services under*  
11 *ORS 656.245]* regarding treatment of a worker’s compensable injury.

12 (13)(a) “Employer” means any person, including receiver, administrator,  
13 executor or trustee, and the state, state agencies, counties, municipal corpo-  
14 rations, school districts and other public corporations or political subdi-  
15 visions, that contracts to pay a remuneration for the services of any worker.

16 (b) Notwithstanding paragraph (a) of this subsection, for purposes of this  
17 chapter, the client of a temporary service provider is not the employer of  
18 temporary workers provided by the temporary service provider.

19 (c) As used in paragraph (b) of this subsection, “temporary service pro-  
20 vider” has the meaning given that term in ORS 656.850.

21 (d) For the purposes of this chapter, “subject employer” means an em-  
22 ployer that is subject to this chapter as provided in ORS 656.023.

23 (14) “Insurer” means the State Accident Insurance Fund Corporation or  
24 an insurer authorized under ORS chapter 731 to transact workers’ compen-  
25 sation insurance in this state or an assigned claims agent selected by the  
26 director under ORS 656.054.

27 (15) “Consumer and Business Services Fund” means the fund created by  
28 ORS 705.145.

29 (16) “Incapacitated” means an individual is physically or mentally unable  
30 to earn a livelihood.

31 (17) “Medically stationary” means that no further material improvement

1 would reasonably be expected from medical treatment or the passage of time.

2 (18) "Noncomplying employer" means a subject employer that has failed  
3 to comply with ORS 656.017.

4 (19) "Objective findings" in support of medical evidence are verifiable  
5 indications of injury or disease that may include, but are not limited to,  
6 range of motion, atrophy, muscle strength and palpable muscle spasm. "Ob-  
7 jective findings" does not include physical findings or subjective responses  
8 to physical examinations that are not reproducible, measurable or observa-  
9 ble.

10 (20) "Palliative care" means medical service rendered to reduce or mod-  
11 erate temporarily the intensity of an otherwise stable medical condition, but  
12 does not include those medical services rendered to diagnose, heal or per-  
13 manently alleviate or eliminate a medical condition.

14 (21) "Party" means a claimant for compensation, the employer of the in-  
15 jured worker at the time of injury and the insurer, if any, of the employer.

16 (22) "Payroll" means a record of wages payable to workers for their ser-  
17 vices and includes commissions, value of exchange labor and the reasonable  
18 value of board, rent, housing, lodging or similar advantage received from the  
19 employer. However, "payroll" does not include overtime pay, vacation pay,  
20 bonus pay, tips, amounts payable under profit-sharing agreements or bonus  
21 payments to reward workers for safe working practices. Bonus pay is limited  
22 to payments that are not anticipated under the contract of employment and  
23 that are paid at the sole discretion of the employer. The exclusion from  
24 payroll of bonus payments to reward workers for safe working practices is  
25 only for the purpose of calculations based on payroll to determine premium  
26 for workers' compensation insurance, and does not affect any other calcu-  
27 lation or determination based on payroll for the purposes of this chapter.

28 (23) "Person" includes a partnership, joint venture, association, limited  
29 liability company and corporation.

30 (24)(a) "Preexisting condition" means, for all industrial injury claims, any  
31 injury, disease, congenital abnormality, personality disorder or similar con-

dition that contributes to disability or need for treatment, provided that:

(A) Except for claims in which a preexisting condition is arthritis or an arthritic condition, the worker has been diagnosed with the condition, or has obtained medical services for the symptoms of the condition regardless of diagnosis; and

(B)(i) In claims for an initial injury or omitted condition, the diagnosis or treatment precedes the initial injury;

(ii) In claims for a new medical condition, the diagnosis or treatment precedes the onset of the new medical condition; or

(iii) In claims for a worsening pursuant to ORS 656.273 or 656.278, the diagnosis or treatment precedes the onset of the worsened condition.

(b) "Preexisting condition" means, for all occupational disease claims, any injury, disease, congenital abnormality, personality disorder or similar condition that contributes to disability or need for treatment and that precedes the onset of the claimed occupational disease, or precedes a claim for worsening in such claims pursuant to ORS 656.273 or 656.278.

(c) For the purposes of industrial injury claims, a condition does not contribute to disability or need for treatment if the condition merely renders the worker more susceptible to the injury.

(25) "Self-insured employer" means an employer or group of employers certified under ORS 656.430 as meeting the qualifications set out by ORS 656.407.

(26) "State Accident Insurance Fund Corporation" and "corporation" mean the State Accident Insurance Fund Corporation created under ORS 656.752.

(27) "Wages" means the money rate at which the service rendered is recompensed under the contract of hiring in force at the time of the accident, including reasonable value of board, rent, housing, lodging or similar advantage received from the employer, and includes the amount of tips required to be reported by the employer pursuant to section 6053 of the Internal Revenue Code of 1954, as amended, and the regulations promulgated pursuant

1 thereto, or the amount of actual tips reported, whichever amount is greater.  
2 The State Accident Insurance Fund Corporation may establish assumed  
3 minimum and maximum wages, in conformity with recognized insurance  
4 principles, at which any worker shall be carried upon the payroll of the  
5 employer for the purpose of determining the premium of the employer.

6 (28)(a) "Worker" means any person, other than an independent contractor,  
7 who engages to furnish services for a remuneration, including a minor  
8 whether lawfully or unlawfully employed and salaried, elected and appointed  
9 officials of the state, state agencies, counties, cities, school districts and  
10 other public corporations, but does not include any person whose services  
11 are performed as an adult in custody or ward of a state institution or as part  
12 of the eligibility requirements for a general or public assistance grant.

13 (b) For the purpose of determining entitlement to temporary disability  
14 benefits or permanent total disability benefits under this chapter, "worker"  
15 does not include a person who has withdrawn from the workforce during the  
16 period for which such benefits are sought.

17 (c) For the purposes of this chapter, "subject worker" means a worker  
18 who is subject to this chapter as provided in ORS 656.027.

19 (29) "Independent contractor" has the meaning given that term in ORS  
20 670.600.

21 **SECTION 50.** ORS 656.005, as amended by section 22, chapter 78, Oregon  
22 Laws 2025, is amended to read:

23 656.005. (1) "Average weekly wage" means the Oregon average weekly  
24 wage in covered employment, as determined by the Employment Department,  
25 for the last quarter of the calendar year preceding the fiscal year in which  
26 the injury occurred.

27 (2)(a) "Beneficiary" means an injured worker, and the spouse in a mar-  
28 riage, child or dependent of a worker, who is entitled to receive payments  
29 under this chapter.

30 (b) "Beneficiary" does not include a person who intentionally causes the  
31 compensable injury to or death of an injured worker.

1       (3) "Board" means the Workers' Compensation Board.

2       (4) "Carrier-insured employer" means an employer who provides workers'  
3       compensation coverage with the State Accident Insurance Fund Corporation  
4       or an insurer authorized under ORS chapter 731 to transact workers' com-  
5       pensation insurance in this state.

6       (5) "Child" means a child of an injured worker, including:

7           (a) A posthumous child;

8           (b) A child legally adopted before the injury;

9           (c) A child toward whom the worker stands in loco parentis;

10          (d) A child born out of wedlock;

11          (e) A stepchild, if the stepchild was, at the time of the injury, a member  
12       of the worker's family and substantially dependent upon the worker for  
13       support; and

14          (f) A child of any age who was incapacitated at the time of the accident  
15       and thereafter remains incapacitated and substantially dependent on the  
16       worker for support.

17       (6) "Claim" means a written request for compensation from a subject  
18       worker or someone on the worker's behalf, or any compensable injury of  
19       which a subject employer has notice or knowledge.

20       (7)(a) A "compensable injury" is an accidental injury, or accidental injury  
21       to prosthetic appliances, arising out of and in the course of employment re-  
22       quiring medical services or resulting in disability or death. An injury is ac-  
23       cidental if the result is an accident, whether or not due to accidental means,  
24       if it is established by medical evidence supported by objective findings, sub-  
25       ject to the following limitations:

26          (A) An injury or disease is not compensable as a consequence of a  
27       compensable injury unless the compensable injury is the major contributing  
28       cause of the consequential condition.

29          (B) If an otherwise compensable injury combines at any time with a pre-  
30       existing condition to cause or prolong disability or a need for treatment, the  
31       combined condition is compensable only if, so long as and to the extent that

1 the otherwise compensable injury is the major contributing cause of the  
2 disability of the combined condition or the major contributing cause of the  
3 need for treatment of the combined condition.

4 (b) "Compensable injury" does not include:

5 (A) Injury to any active participant in assaults or combats that are not  
6 connected to the job assignment and that amount to a deviation from cus-  
7 tomary duties;

8 (B) Injury incurred while engaging in or performing, or as the result of  
9 engaging in or performing, any recreational or social activities primarily for  
10 the worker's personal pleasure; or

11 (C) Injury the major contributing cause of which is demonstrated to be  
12 by a preponderance of the evidence the injured worker's consumption of al-  
13 coholic beverages or cannabis or the unlawful consumption of any controlled  
14 substance, unless the employer permitted, encouraged or had actual knowl-  
15 edge of such consumption.

16 (c) A "disabling compensable injury" is an injury that entitles the worker  
17 to compensation for disability or death. An injury is not disabling if no  
18 temporary benefits are due and payable, unless there is a reasonable expec-  
19 tation that permanent disability will result from the injury.

20 (d) A "nondisabling compensable injury" is any injury that requires med-  
21 ical services only.

22 (8) "Compensation" includes all benefits, including medical services, pro-  
23 vided for a compensable injury to a subject worker or the worker's benefi-  
24 ciaries by an insurer or self-insured employer pursuant to this chapter.

25 (9) "Department" means the Department of Consumer and Business Ser-  
26 vices.

27 (10) "Dependent" means any of the following individuals who, at the time  
28 of an accident, depended in whole or in part for the individual's support on  
29 the earnings of a worker who dies as a result of an injury:

30 (a) A parent of a worker or the parent's spouse or domestic partner;

31 (b) A grandparent of a worker or the grandparent's spouse or domestic

1 partner;

2 (c) A grandchild of a worker or the grandchild's spouse or domestic  
3 partner;

4 (d) A sibling or stepsibling of a worker or the sibling's or stepsibling's  
5 spouse or domestic partner; and

6 (e) Any individual related by blood or affinity whose close association  
7 with a worker is the equivalent of a family relationship.

8 (11) "Director" means the Director of the Department of Consumer and  
9 Business Services.

10 (12)(a) [*Doctor* or *physician*] **"Doctor," "physician," "nurse practi-**  
11 **tioner" or "physician associate"** means a person duly licensed to practice  
12 one or more of the healing arts in any country or in any state, territory or  
13 possession of the United States within the limits of the license of the  
14 licensee.

15 (b) Except as otherwise provided for workers subject to a managed care  
16 contract, "attending physician" means a doctor, physician, **nurse practi-**  
17 **tioner** or physician associate who is primarily responsible for the treatment  
18 of a worker's compensable injury and who is:

19 (A)(i) A physician licensed under ORS 677.100 to 677.228 by the Oregon  
20 Medical Board;[*or*]

21 (ii) A podiatric physician and surgeon licensed under ORS 677.805 to  
22 677.840 by the Oregon Medical Board;[*]*]

23 (iii) An oral and maxillofacial surgeon licensed by the Oregon Board of  
24 Dentistry; [*or*]

25 (iv) **A nurse practitioner licensed under ORS 678.375 to 678.390 or a**  
26 **similarly licensed nurse practitioner in any country or in any state,**  
27 **territory or possession of the United States;**

28 (v) **A physician associate licensed by the Oregon Medical Board in**  
29 **accordance with ORS 677.505 to 677.525 or a similarly licensed physician**  
30 **associate in any country or in any state, territory or possession of the**  
31 **United States; or**

1       (vi) A similarly licensed doctor in any country or in any state, territory  
2 or possession of the United States; **or**

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

6       (i) Doctor or physician licensed by the State Board of Chiropractic Ex-  
7 aminers for the State of Oregon under ORS chapter 684 or a similarly li-  
8 censed doctor or physician in any country or in any state, territory or  
9 possession of the United States; or

10       (ii) Doctor of naturopathy or naturopathic physician licensed by the  
11 Oregon Board of Naturopathic Medicine under ORS chapter 685 or a simi-  
12 larly licensed doctor or physician in any country or in any state, territory  
13 or possession of the United States.[; *or*]

14       [(C) *For a cumulative total of 180 days from the first visit on the initial*  
15 *claim, a physician associate licensed by the Oregon Medical Board in accord-*  
16 *ance with ORS 677.505 to 677.525 or a similarly licensed physician associate*  
17 *in any country or in any state, territory or possession of the United States.]*

18       (c) Except as otherwise provided for workers subject to a managed care  
19 contract, “attending physician” does not include a physician who provides  
20 care in a hospital emergency room and refers the injured worker to a pri-  
21 mary care physician for follow-up care and treatment.

22       (d) “Consulting physician” means a doctor or physician who examines a  
23 worker or the worker’s medical record to advise the attending physician [*or*  
24 *nurse practitioner authorized to provide compensable medical services under*  
25 *ORS 656.245*] regarding treatment of a worker’s compensable injury.

26       (13)(a) “Employer” means any person, including receiver, administrator,  
27 executor or trustee, and the state, state agencies, counties, municipal corpo-  
28 rations, school districts and other public corporations or political subdi-  
29 visions, that contracts to pay a remuneration for the services of any worker.

30       (b) Notwithstanding paragraph (a) of this subsection, for purposes of this  
31 chapter, the client of a temporary service provider is not the employer of

1 temporary workers provided by the temporary service provider.

2 (c) As used in paragraph (b) of this subsection, "temporary service pro-  
3 vider" has the meaning given that term in ORS 656.849.

4 (d) For the purposes of this chapter, "subject employer" means an em-  
5 ployer that is subject to this chapter as provided in ORS 656.023.

6 (14) "Insurer" means the State Accident Insurance Fund Corporation or  
7 an insurer authorized under ORS chapter 731 to transact workers' compen-  
8 sation insurance in this state or an assigned claims agent selected by the  
9 director under ORS 656.054.

10 (15) "Consumer and Business Services Fund" means the fund created by  
11 ORS 705.145.

12 (16) "Incapacitated" means an individual is physically or mentally unable  
13 to earn a livelihood.

14 (17) "Medically stationary" means that no further material improvement  
15 would reasonably be expected from medical treatment or the passage of time.

16 (18) "Noncomplying employer" means a subject employer that has failed  
17 to comply with ORS 656.017.

18 (19) "Objective findings" in support of medical evidence are verifiable  
19 indications of injury or disease that may include, but are not limited to,  
20 range of motion, atrophy, muscle strength and palpable muscle spasm. "Ob-  
21 jective findings" does not include physical findings or subjective responses  
22 to physical examinations that are not reproducible, measurable or observa-  
23 ble.

24 (20) "Palliative care" means medical service rendered to reduce or mod-  
25 erate temporarily the intensity of an otherwise stable medical condition, but  
26 does not include those medical services rendered to diagnose, heal or per-  
27 manently alleviate or eliminate a medical condition.

28 (21) "Party" means a claimant for compensation, the employer of the in-  
29 jured worker at the time of injury and the insurer, if any, of the employer.

30 (22) "Payroll" means a record of wages payable to workers for their ser-  
31 vices and includes commissions, value of exchange labor and the reasonable

1 value of board, rent, housing, lodging or similar advantage received from the  
2 employer. However, “payroll” does not include overtime pay, vacation pay,  
3 bonus pay, tips, amounts payable under profit-sharing agreements or bonus  
4 payments to reward workers for safe working practices. Bonus pay is limited  
5 to payments that are not anticipated under the contract of employment and  
6 that are paid at the sole discretion of the employer. The exclusion from  
7 payroll of bonus payments to reward workers for safe working practices is  
8 only for the purpose of calculations based on payroll to determine premium  
9 for workers’ compensation insurance, and does not affect any other calcu-  
10 lation or determination based on payroll for the purposes of this chapter.

11 (23) “Person” includes a partnership, joint venture, association, limited  
12 liability company and corporation.

13 (24)(a) “Preexisting condition” means, for all industrial injury claims, any  
14 injury, disease, congenital abnormality, personality disorder or similar con-  
15 dition that contributes to disability or need for treatment, provided that:

16 (A) Except for claims in which a preexisting condition is arthritis or an  
17 arthritic condition, the worker has been diagnosed with the condition, or has  
18 obtained medical services for the symptoms of the condition regardless of  
19 diagnosis; and

20 (B)(i) In claims for an initial injury or omitted condition, the diagnosis  
21 or treatment precedes the initial injury;

22 (ii) In claims for a new medical condition, the diagnosis or treatment  
23 precedes the onset of the new medical condition; or

24 (iii) In claims for a worsening pursuant to ORS 656.273 or 656.278, the  
25 diagnosis or treatment precedes the onset of the worsened condition.

26 (b) “Preexisting condition” means, for all occupational disease claims, any  
27 injury, disease, congenital abnormality, personality disorder or similar con-  
28 dition that contributes to disability or need for treatment and that precedes  
29 the onset of the claimed occupational disease, or precedes a claim for wors-  
30 ening in such claims pursuant to ORS 656.273 or 656.278.

31 (c) For the purposes of industrial injury claims, a condition does not

1 contribute to disability or need for treatment if the condition merely renders  
2 the worker more susceptible to the injury.

3 (25) "Self-insured employer" means an employer or group of employers  
4 certified under ORS 656.430 as meeting the qualifications set out by ORS  
5 656.407.

6 (26) "State Accident Insurance Fund Corporation" and "corporation"  
7 mean the State Accident Insurance Fund Corporation created under ORS  
8 656.752.

9 (27) "Wages" means the money rate at which the service rendered is  
10 recompensed under the contract of hiring in force at the time of the accident,  
11 including reasonable value of board, rent, housing, lodging or similar ad-  
12 vantage received from the employer, and includes the amount of tips required  
13 to be reported by the employer pursuant to section 6053 of the Internal  
14 Revenue Code of 1954, as amended, and the regulations promulgated pursuant  
15 thereto, or the amount of actual tips reported, whichever amount is greater.  
16 The State Accident Insurance Fund Corporation may establish assumed  
17 minimum and maximum wages, in conformity with recognized insurance  
18 principles, at which any worker shall be carried upon the payroll of the  
19 employer for the purpose of determining the premium of the employer.

20 (28)(a) "Worker" means any person, other than an independent contractor,  
21 who engages to furnish services for a remuneration, including a minor  
22 whether lawfully or unlawfully employed and salaried, elected and appointed  
23 officials of the state, state agencies, counties, cities, school districts and  
24 other public corporations, but does not include any person whose services  
25 are performed as an adult in custody or ward of a state institution or as part  
26 of the eligibility requirements for a general or public assistance grant.

27 (b) For the purpose of determining entitlement to temporary disability  
28 benefits or permanent total disability benefits under this chapter, "worker"  
29 does not include a person who has withdrawn from the workforce during the  
30 period for which such benefits are sought.

31 (c) For the purposes of this chapter, "subject worker" means a worker

1 who is subject to this chapter as provided in ORS 656.027.

2 (29) "Independent contractor" has the meaning given that term in ORS  
3 670.600.

4 **SECTION 51.** ORS 656.214 is amended to read:

5 656.214. (1) As used in this section:

6 (a) "Impairment" means the loss of use or function of a body part or  
7 system due to the compensable industrial injury or occupational disease de-  
8 termined in accordance with the standards provided under ORS 656.726, ex-  
9 pressed as a percentage of the whole person.

10 (b) "Loss" includes permanent and complete or partial loss of use.

11 (c) "Permanent partial disability" means:

12 (A) Permanent impairment resulting from the compensable industrial in-  
13 jury or occupational disease; or

14 (B) Permanent impairment and work disability resulting from the  
15 compensable industrial injury or occupational disease.

16 (d) "Regular work" means the job the worker held at injury.

17 (e) "Work disability" means impairment modified by age, education and  
18 adaptability to perform a given job.

19 (2) When permanent partial disability results from a compensable injury  
20 or occupational disease, benefits shall be awarded as follows:

21 (a) If the worker has been released to regular work by the attending  
22 physician [*or nurse practitioner authorized to provide compensable medical*  
23 *services under ORS 656.245*] or has returned to regular work [*at the job held*  
24 *at the time of injury*], the award shall be for impairment only. Impairment  
25 shall be determined in accordance with the standards provided by the Di-  
26 rector of the Department of Consumer and Business Services pursuant to  
27 ORS 656.726 (4). Impairment benefits are determined by multiplying the  
28 impairment value times 100 times the average weekly wage as defined by  
29 ORS 656.005.

30 (b) If the worker has not been released to regular work by the attending  
31 physician [*or nurse practitioner authorized to provide compensable medical*

1 *services under ORS 656.245*] or has not returned to regular work [*at the job*  
2 *held at the time of injury*], the award shall be for impairment and work dis-  
3 ability. Work disability shall be determined in accordance with the standards  
4 provided by the director pursuant to ORS 656.726 (4). Impairment shall be  
5 determined as provided in paragraph (a) of this subsection. Work disability  
6 benefits shall be determined by multiplying the impairment value, as modi-  
7 fied by the factors of age, education and adaptability to perform a given job,  
8 times 150 times the worker's weekly wage for the job at injury as calculated  
9 under ORS 656.210 (2). The factor for the worker's weekly wage used for the  
10 determination of the work disability may be no more than 133 percent or no  
11 less than 50 percent of the average weekly wage as defined in ORS 656.005.

12 (3) Impairment benefits awarded under subsection (2)(a) of this section  
13 shall be expressed as a percentage of the whole person. Impairment benefits  
14 for the following body parts may not exceed:

- 15 (a) For the loss of one arm at or above the elbow joint, 60 percent.
- 16 (b) For the loss of one forearm at or above the wrist joint, or the loss of  
17 one hand, 47 percent.
- 18 (c) For the loss of one leg, at or above the knee joint, 47 percent.
- 19 (d) For the loss of one foot, 42 percent.
- 20 (e) For the loss of a great toe, six percent; for loss of any other toe, one  
21 percent.
- 22 (f) For partial or complete loss of hearing in one ear, that proportion of  
23 19 percent which the loss bears to normal monaural hearing.
- 24 (g) For partial or complete loss of hearing in both ears, that proportion  
25 of 60 percent which the combined binaural hearing loss bears to normal  
26 combined binaural hearing. For the purpose of this paragraph, combined  
27 binaural hearing loss shall be calculated by taking seven times the hearing  
28 loss in the less damaged ear plus the hearing loss in the more damaged ear  
29 and dividing that amount by eight. In the case of individuals with  
30 compensable hearing loss involving both ears, either the method of calcu-  
31 lation for monaural hearing loss or that for combined binaural hearing loss

1 shall be used, depending upon which allows the greater award of impairment.

2 (h) For partial or complete loss of vision of one eye, that proportion of  
3 31 percent which the loss of monocular vision bears to normal monocular  
4 vision. For the purposes of this paragraph, the term "normal monocular vi-  
5 sion" shall be considered as Snellen 20/20 for distance and Snellen 14/14 for  
6 near vision with full sensory field.

7 (i) For partial loss of vision in both eyes, that proportion of 94 percent  
8 which the combined binocular visual loss bears to normal combined  
9 binocular vision. In all cases of partial loss of sight, the percentage of said  
10 loss shall be measured with maximum correction. For the purpose of this  
11 paragraph, combined binocular visual loss shall be calculated by taking three  
12 times the visual loss in the less damaged eye plus the visual loss in the more  
13 damaged eye and dividing that amount by four. In the case of individuals  
14 with compensable visual loss involving both eyes, either the method of cal-  
15 culation for monocular visual loss or that for combined binocular visual loss  
16 shall be used, depending upon which allows the greater award of impairment.

17 (j) For the loss of a thumb, 15 percent.

18 (k) For the loss of a first finger, eight percent; of a second finger, seven  
19 percent; of a third finger, three percent; of a fourth finger, two percent.

20 (4) The loss of one phalange of a thumb, including the adjacent epiphyseal  
21 region of the proximal phalange, is considered equal to the loss of one-half  
22 of a thumb. The loss of one phalange of a finger, including the adjacent  
23 epiphyseal region of the middle phalange, is considered equal to the loss of  
24 one-half of a finger. The loss of two phalanges of a finger, including the ad-  
25 jacent epiphyseal region of the proximal phalange of a finger, is considered  
26 equal to the loss of 75 percent of a finger. The loss of more than one  
27 phalange of a thumb, excluding the epiphyseal region of the proximal  
28 phalange, is considered equal to the loss of an entire thumb. The loss of more  
29 than two phalanges of a finger, excluding the epiphyseal region of the  
30 proximal phalange of a finger, is considered equal to the loss of an entire  
31 finger. A proportionate loss of use may be allowed for an uninjured finger

1 or thumb where there has been a loss of effective opposition.

2 (5) A proportionate loss of the hand may be allowed where impairment  
3 extends to more than one digit, in lieu of ratings on the individual digits.

4 (6) All permanent disability contemplates future waxing and waning of  
5 symptoms of the condition. The results of waxing and waning of symptoms  
6 may include, but are not limited to, loss of earning capacity, periods of  
7 temporary total or temporary partial disability, or inpatient hospitalization.

8 **SECTION 52.** ORS 656.245 is amended to read:

9 656.245. (1)(a) For every compensable injury, the insurer or the self-  
10 insured employer shall cause to be provided medical services for conditions  
11 caused in material part by the injury for such period as the nature of the  
12 injury or the process of the recovery requires, subject to the limitations in  
13 ORS 656.225, including such medical services as may be required after a de-  
14 termination of permanent disability. In addition, for consequential and com-  
15 bined conditions described in ORS 656.005 (7), the insurer or the self-insured  
16 employer shall cause to be provided only those medical services directed to  
17 medical conditions caused in major part by the injury.

18 (b) Compensable medical services shall include medical, surgical, hospital,  
19 nursing, ambulances and other related services, and drugs, medicine,  
20 crutches and prosthetic appliances, braces and supports and where necessary,  
21 physical restorative services. A pharmacist or dispensing physician shall  
22 dispense generic drugs to the worker in accordance with ORS 689.515. The  
23 duty to provide such medical services continues for the life of the worker.

24 (c) Notwithstanding any other provision of this chapter, medical services  
25 after the worker's condition is medically stationary are not compensable ex-  
26 cept for the following:

27 (A) Services provided to a worker who has been determined to be perma-  
28 nently and totally disabled.

29 (B) Prescription medications.

30 (C) Services necessary to administer prescription medication or monitor  
31 the administration of prescription medication.

1       (D) Prosthetic devices, braces and supports.

2       (E) Services necessary to monitor the status, replacement or repair of

3       prosthetic devices, braces and supports.

4       (F) Services provided pursuant to an accepted claim for aggravation under

5       ORS 656.273.

6       (G) Services provided pursuant to an order issued under ORS 656.278.

7       (H) Services that are necessary to diagnose the worker's condition.

8       (I) Life-preserving modalities similar to insulin therapy, dialysis and

9       transfusions.

10      (J) With the approval of the insurer or self-insured employer, palliative

11     care that the worker's attending physician referred to in ORS 656.005

12     (12)(b)(A) prescribes and that is necessary to enable the worker to continue

13     current employment or a vocational training program. If the insurer or self-

14     insured employer does not approve, the attending physician or the worker

15     may request approval from the Director of the Department of Consumer and

16     Business Services for such treatment. The director may order a medical re-

17     view by a physician or panel of physicians pursuant to ORS 656.327 (3) to

18     aid in the review of such treatment. The decision of the director is subject

19     to review under ORS 656.704.

20      (K) With the approval of the director, curative care arising from a gen-

21     erally recognized, nonexperimental advance in medical science since the

22     worker's claim was closed that is highly likely to improve the worker's

23     condition and that is otherwise justified by the circumstances of the claim.

24     The decision of the director is subject to review under ORS 656.704.

25      (L) Curative care provided to a worker to stabilize a temporary and acute

26     waxing and waning of symptoms of the worker's condition.

27      (d) When the medically stationary date in a disabling claim is established

28     by the insurer or self-insured employer and is not based on the findings of

29     the attending physician, the insurer or self-insured employer is responsible

30     for reimbursement to affected medical service providers for otherwise

31     compensable services rendered until the insurer or self-insured employer

1 provides written notice to the attending physician of the worker's medically  
2 stationary status.

3 (e) Except for services provided under a managed care contract, out-of-  
4 pocket expense reimbursement to receive care from the attending physician  
5 [or *nurse practitioner*] authorized to provide compensable medical services  
6 under this section shall not exceed the amount required to seek care from  
7 an [*appropriate nurse practitioner or*] attending physician of the same spe-  
8 cialty who is in a medical community geographically closer to the worker's  
9 home. For the purposes of this paragraph, all **attending** physicians [*and*  
10 *nurse practitioners*] within a metropolitan area are considered to be part of  
11 the same medical community.

12 (2)(a) The worker may choose an attending [*doctor, physician or nurse*  
13 *practitioner*] **physician** within the State of Oregon. The worker may choose  
14 the initial attending physician [*or nurse practitioner*] and may subsequently  
15 change attending physician [*or nurse practitioner*] two times without ap-  
16 proval from the director. If the worker thereafter selects another attending  
17 physician [*or nurse practitioner*], the insurer or self-insured employer may  
18 require the director's approval of the selection. The decision of the director  
19 is subject to review under ORS 656.704. The worker also may choose an at-  
20 tending doctor or physician in another country or in any state or territory  
21 or possession of the United States with the prior approval of the insurer or  
22 self-insured employer.

23 (b) A medical service provider who is not a member of a managed care  
24 organization is subject to the following provisions:

25 (A) A medical service provider who is not qualified to be an attending  
26 physician may provide compensable medical service to an injured worker for  
27 a period of 30 days from the date of the first visit on the initial claim or for  
28 12 visits, whichever first occurs, without the authorization of an attending  
29 physician. Thereafter, medical service provided to an injured worker without  
30 the written authorization of an attending physician is not compensable.

31 (B) A medical service provider who is not an attending physician cannot

1 authorize the payment of temporary disability compensation. However, an  
2 emergency room physician who is not authorized to serve as an attending  
3 physician under ORS 656.005 (12)(c) may authorize temporary disability ben-  
4 efits for a maximum of 14 days. A medical service provider qualified to serve  
5 as an attending physician under ORS 656.005 (12)(b)(B) may authorize the  
6 payment of temporary disability compensation for a period not to exceed 30  
7 days from the date of the first visit on the initial claim.

8 (C) Except as otherwise provided in this chapter, only a physician qualifi-  
9 ed to serve as an attending physician under ORS 656.005 (12)(b)(A) or (B)(i)  
10 who is serving as the attending physician at the time of claim closure may  
11 make findings regarding the worker's impairment for the purpose of eval-  
12 uating the worker's disability.

13 *[(D) Notwithstanding subparagraphs (A) and (B) of this paragraph, a  
14 nurse practitioner licensed under ORS 678.375 to 678.390 or a physician asso-  
15 ciate licensed by the Oregon Medical Board in accordance with ORS 677.505  
16 to 677.525 or a similarly licensed physician associate in any country or in any  
17 state, territory or possession of the United States:]*

18 *[(i) May provide compensable medical services for 180 days from the date  
19 of the first visit on the initial claim;]*

20 *[(ii) May authorize the payment of temporary disability benefits for a period  
21 not to exceed 180 days from the date of the first visit on the initial claim;  
22 and]*

23 *[(iii) When an injured worker treating with a nurse practitioner or physi-  
24 cian associate authorized to provide compensable services under this section  
25 becomes medically stationary within the 180-day period in which the nurse  
26 practitioner or physician associate is authorized to treat the injured worker,  
27 shall refer the injured worker to a physician qualified to be an attending  
28 physician as defined in ORS 656.005 for the purpose of making findings re-  
29 garding the worker's impairment for the purpose of evaluating the worker's  
30 disability. If a worker returns to the nurse practitioner or physician associate  
31 after initial claim closure for evaluation of a possible worsening of the*

1 *worker's condition, the nurse practitioner or physician associate shall refer the*  
2 *worker to an attending physician and the insurer shall compensate the nurse*  
3 *practitioner or physician associate for the examination performed.]*

4 (3) Notwithstanding any other provision of this chapter, the director, by  
5 rule, upon the advice of the committee created by ORS 656.794 and upon the  
6 advice of the professional licensing boards of practitioners affected by the  
7 rule, may exclude from compensability any medical treatment the director  
8 finds to be unscientific, unproven, outmoded or experimental. The decision  
9 of the director is subject to review under ORS 656.704.

10 (4) Notwithstanding subsection (2)(a) of this section, when a self-insured  
11 employer or the insurer of an employer contracts with a managed care or-  
12 ganization certified pursuant to ORS 656.260 for medical services required  
13 by this chapter to be provided to injured workers:

14 (a) Those workers who are subject to the contract shall receive medical  
15 services in the manner prescribed in the contract. Workers subject to the  
16 contract include those who are receiving medical treatment for an accepted  
17 compensable injury or occupational disease, regardless of the date of injury  
18 or medically stationary status, on or after the effective date of the contract.  
19 If the managed care organization determines that the change in provider  
20 would be medically detrimental to the worker, the worker shall not become  
21 subject to the contract until the worker is found to be medically stationary,  
22 the worker changes physicians [*or nurse practitioners*], or the managed care  
23 organization determines that the change in provider is no longer medically  
24 detrimental, whichever event first occurs. A worker becomes subject to the  
25 contract upon the worker's receipt of actual notice of the worker's enroll-  
26 ment in the managed care organization, or upon the third day after the no-  
27 tice was sent by regular mail by the insurer or self-insured employer,  
28 whichever event first occurs. A worker shall not be subject to a contract  
29 after it expires or terminates without renewal. A worker may continue to  
30 treat with the attending physician [*or nurse practitioner*] authorized to pro-  
31 vide compensable medical services under this section under an expired or

1 terminated managed care organization contract if the **attending** physician  
2 [*or nurse practitioner*] agrees to comply with the rules, terms and conditions  
3 regarding services performed under any subsequent managed care organiza-  
4 tion contract to which the worker is subject. A worker shall not be subject  
5 to a contract if the worker's primary residence is more than 100 miles out-  
6 side the managed care organization's certified geographical area. Each such  
7 contract must comply with the certification standards provided in ORS  
8 656.260. However, a worker may receive immediate emergency medical treat-  
9 ment that is compensable from a medical service provider who is not a  
10 member of the managed care organization. Insurers or self-insured employers  
11 who contract with a managed care organization for medical services shall  
12 give notice to the workers of eligible medical service providers and such  
13 other information regarding the contract and manner of receiving medical  
14 services as the director may prescribe. Notwithstanding any provision of law  
15 or rule to the contrary, a worker of a noncomplying employer is considered  
16 to be subject to a contract between the State Accident Insurance Fund Cor-  
17 poration as a processing agent or the assigned claims agent and a managed  
18 care organization.

19 (b)(A) For initial or aggravation claims filed after June 7, 1995, the  
20 insurer or self-insured employer may require an injured worker, on a case-  
21 by-case basis, immediately to receive medical services from the managed care  
22 organization.

23 (B) If the insurer or self-insured employer gives notice that the worker  
24 is required to receive treatment from the managed care organization, the  
25 insurer or self-insured employer must guarantee that any reasonable and  
26 necessary services so received, that are not otherwise covered by health in-  
27 surance, will be paid as provided in ORS 656.248, even if the claim is denied,  
28 until the worker receives actual notice of the denial or until three days after  
29 the denial is mailed, whichever event first occurs. The worker may elect to  
30 receive care from a primary care physician, nurse practitioner or physician  
31 associate authorized to provide compensable medical services under this

1 section who agrees to the conditions of ORS 656.260 (4)(g). However, guar-  
2 antee of payment is not required by the insurer or self-insured employer if  
3 this election is made.

4 (C) If the insurer or self-insured employer does not give notice that the  
5 worker is required to receive treatment from the managed care organization,  
6 the insurer or self-insured employer is under no obligation to pay for services  
7 received by the worker unless the claim is later accepted.

8 (D) If the claim is denied, the worker may receive medical services after  
9 the date of denial from sources other than the managed care organization  
10 until the denial is reversed. Reasonable and necessary medical services re-  
11 ceived from sources other than the managed care organization after the date  
12 of claim denial must be paid as provided in ORS 656.248 by the insurer or  
13 self-insured employer if the claim is finally determined to be compensable.

14 (5)(a) A nurse practitioner[,] or a physician associate described in ORS  
15 656.005 [(12)(b)(C),] **(12)(b)(A)(iv) or (v)** who is not a member of the managed  
16 care organization is authorized to provide the same level of services as a  
17 primary care physician as established by ORS 656.260 (4) if the nurse prac-  
18 titioner or physician associate:

19 (A) Maintains the worker's medical records;

20 (B) Has a documented history of treatment with the worker;

21 (C) Agrees to refer the worker to the managed care organization for any  
22 specialized treatment, including physical therapy, to be furnished by another  
23 provider that the worker may require; and

24 (D) Agrees to comply with all the rules, terms and conditions regarding  
25 services performed by the managed care organization.

26 (b)[(A)] A nurse practitioner or physician associate authorized to provide  
27 medical services to a worker enrolled in the managed care organization may:

28 [(i)] (A) Provide medical treatment to the worker if the treatment is de-  
29 termined to be medically appropriate according to the service utilization re-  
30 view process of the managed care organization; and

31 [(ii)] (B) Authorize temporary disability payments [*as provided in sub-*

1 *section (2)(b)(D) of this section].*

2 *[(B) The managed care organization may also authorize the nurse practitioner or physician associate to provide medical services and authorize temporary disability payments beyond the periods established in subsection (2)(b)(D) of this section.]*

6 (6) Subject to the provisions of ORS 656.704, if a claim for medical services is disapproved, the injured worker, insurer or self-insured employer may request administrative review by the director pursuant to ORS 656.260 or 656.327.

10 **SECTION 53.** ORS 656.250 is amended to read:

11 656.250. A physical therapist *[shall]* **may** not provide compensable services to injured workers governed by this chapter except as allowed by a governing managed care organization contract or as authorized by the worker's attending physician *[or nurse practitioner authorized to provide compensable medical services under ORS 656.245]*.

16 **SECTION 54.** ORS 656.252 is amended to read:

17 656.252. (1) In order to ensure the prompt and correct reporting and payment of compensation in compensable injuries, the Director of the Department of Consumer and Business Services shall make rules governing audits of medical service bills and reports by attending and consulting physicians and other personnel of all medical information relevant to the determination of a claim to the injured worker's representative, the worker's employer, the employer's insurer and the Department of Consumer and Business Services. Such rules shall include, but not necessarily be limited to:

25 (a) Requiring attending physicians *[and nurse practitioners authorized to provide compensable medical services under ORS 656.245]* to make the insurer or self-insured employer a first report of injury within 72 hours after the first service rendered.

29 (b) Requiring attending physicians *[and nurse practitioners authorized to provide compensable medical services under ORS 656.245]* to submit follow-up reports within specified time limits or upon the request of an interested

1 party.

2 (c) Requiring examining physicians [*and nurse practitioners authorized to*  
3 *provide compensable medical services under ORS 656.245*] to submit their re-  
4 ports, and to whom, within a specified time.

5 (d) Such other reporting requirements as the director may deem necessary  
6 to insure that payments of compensation be prompt and that all interested  
7 parties be given information necessary to the prompt determination of  
8 claims.

9 (e) Requiring insurers and self-insured employers to audit billings for all  
10 medical services, including hospital services.

11 (2) The attending physician [*or nurse practitioner authorized to provide*  
12 *compensable medical services under ORS 656.245*] shall do the following:

13 (a) Cooperate with the insurer or self-insured employer to expedite diag-  
14 nostic and treatment procedures and with efforts to return injured workers  
15 to appropriate work.

16 (b) Advise the insurer or self-insured employer of the anticipated date for  
17 release of the injured worker to return to employment, the anticipated date  
18 that the worker will be medically stationary, and the next appointment date.  
19 Except when the attending physician [*or nurse practitioner authorized to*  
20 *provide compensable medical services under ORS 656.245*] has previously in-  
21 dicated that temporary disability will not exceed 14 days, the insurer or  
22 self-insured employer may request a medical report every 15 days, and the  
23 attending physician [*or nurse practitioner*] shall forward such reports.

24 (c) Advise the insurer or self-insured employer within five days of the date  
25 the injured worker is released to return to work. Under no circumstances  
26 shall the physician [*or nurse practitioner authorized to provide compensable*  
27 *medical services under ORS 656.245*] notify the insurer or employer of the  
28 worker's release to return to work without notifying the worker at the same  
29 time.

30 (d) After a claim has been closed, advise the insurer or self-insured em-  
31 ployer within five days after the treatment is resumed or the reopening of

1 a claim is recommended. The attending physician under this paragraph need  
2 not be the same attending physician who released the worker when the claim  
3 was closed.

4 (3) In promulgating the rules regarding medical reporting the director  
5 may consult and confer with physicians and members of medical associations  
6 and societies.

7 (4) No person who reports medical information to a person referred to in  
8 subsection (1) of this section, in accordance with department rules, shall  
9 incur any legal liability for the disclosure of such information.

10 (5) Whenever an injured worker changes attending *[physicians or nurse*  
11 *practitioners authorized to provide compensable medical services under ORS*  
12 **physician**, the newly selected attending physician *[or nurse practi-*  
13 *tioner]* shall so notify the responsible insurer or self-insured employer not  
14 later than five days after the date of the change or the date of first treat-  
15 ment. Every attending physician *[or nurse practitioner authorized to provide*  
16 *compensable medical services under ORS 656.245]* who refers a worker to a  
17 consulting physician promptly shall notify the responsible insurer or self-  
18 insured employer of the referral.

19 (6) A provider of medical services, including hospital services, that sub-  
20 mits a billing to the insurer or self-insured employer shall also submit a copy  
21 of the billing to the worker for whom the service was performed after receipt  
22 from the injured worker of a written request for such a copy.

23 **SECTION 55.** ORS 656.262 is amended to read:

24 656.262. (1) Processing of claims and providing compensation for a worker  
25 shall be the responsibility of the insurer or self-insured employer. All em-  
26 ployers shall assist their insurers in processing claims as required in this  
27 chapter.

28 (2) The compensation due under this chapter shall be paid periodically,  
29 promptly and directly to the person entitled thereto upon the employer's re-  
30 ceiving notice or knowledge of a claim, except where the right to compen-  
31 sation is denied by the insurer or self-insured employer.

1       (3)(a) Employers shall, immediately and not later than five days after  
2 notice or knowledge of any claims or accidents which may result in a  
3 compensable injury claim, report the same to their insurer. The report shall  
4 include:

5       (A) The date, time, cause and nature of the accident and injuries.  
6       (B) Whether the accident arose out of and in the course of employment.  
7       (C) Whether the employer recommends or opposes acceptance of the claim,  
8 and the reasons therefor.  
9       (D) The name and address of any health insurance provider for the in-  
10 jured worker.  
11       (E) Any other details the insurer may require.

12       (b) Failure to so report subjects the offending employer to a charge for  
13 reimbursing the insurer for any penalty the insurer is required to pay under  
14 subsection (11) of this section because of such failure. As used in this sub-  
15 section, "health insurance" has the meaning for that term provided in ORS  
16 731.162.

17       (4)(a) The first installment of temporary disability compensation shall be  
18 paid no later than the 14th day after the subject employer has notice or  
19 knowledge of the claim and of the worker's disability, if the attending phy-  
20 sician [*or nurse practitioner authorized to provide compensable medical ser-*  
21 *vices under ORS 656.245*] authorizes the payment of temporary disability  
22 compensation. Thereafter, temporary disability compensation shall be paid  
23 at least once each two weeks, except where the Director of the Department  
24 of Consumer and Business Services determines that payment in installments  
25 should be made at some other interval. The director may by rule convert  
26 monthly benefit schedules to weekly or other periodic schedules.

27       (b) Notwithstanding any other provision of this chapter, if a self-insured  
28 employer pays to an injured worker who becomes disabled the same wage at  
29 the same pay interval that the worker received at the time of injury, such  
30 payment shall be deemed timely payment of temporary disability payments  
31 pursuant to ORS 656.210 and 656.212 during the time the wage payments are

1 made.

2 (c) Notwithstanding any other provision of this chapter, when the holder  
3 of a public office is injured in the course and scope of that public office, full  
4 official salary paid to the holder of that public office shall be deemed timely  
5 payment of temporary disability payments pursuant to ORS 656.210 and  
6 656.212 during the time the wage payments are made. As used in this sub-  
7 section, "public office" has the meaning for that term provided in ORS  
8 260.005.

9 (d) Temporary disability compensation is not due and payable for any  
10 period of time for which the insurer or self-insured employer has requested  
11 from the worker's attending physician *[or nurse practitioner authorized to*  
*provide compensable medical services under ORS 656.245]* verification of the  
13 worker's inability to work resulting from the claimed injury or disease and  
14 the **attending** physician *[or nurse practitioner]* cannot verify the worker's  
15 inability to work, unless the worker has been unable to receive treatment for  
16 reasons beyond the worker's control.

17 (e) If a worker fails to appear at an appointment with the worker's at-  
18 tending physician *[or nurse practitioner authorized to provide compensable*  
*medical services under ORS 656.245]*, the insurer or self-insured employer  
20 shall notify the worker by certified mail that temporary disability benefits  
21 may be suspended after the worker fails to appear at a rescheduled appoint-  
22 ment. If the worker fails to appear at a rescheduled appointment, the insurer  
23 or self-insured employer may suspend payment of temporary disability bene-  
24 fits to the worker until the worker appears at a subsequent rescheduled ap-  
25 pointment.

26 (f) If the insurer or self-insured employer has requested and failed to re-  
27 ceive from the worker's attending physician *[or nurse practitioner authorized*  
*to provide compensable medical services under ORS 656.245]* verification of  
29 the worker's inability to work resulting from the claimed injury or disease,  
30 medical services provided by the attending physician *[or nurse practitioner]*  
31 are not compensable until the attending physician *[or nurse practitioner]*

1 submits such verification.

2 (g)(A) Temporary disability compensation is not due and payable pursuant  
3 to ORS 656.268 after the worker's attending physician [or *nurse practitioner*  
4 *authorized to provide compensable medical services under ORS 656.245*] ceases  
5 to authorize temporary disability or for any period of time not authorized  
6 by the attending physician [or *nurse practitioner*]. No authorization of tem-  
7 porary disability compensation by the attending physician [or *nurse practi-  
8 tioner*] under ORS 656.268 shall be effective to retroactively authorize the  
9 payment of temporary disability more than 45 days prior to its issuance.

10 (B) Subparagraph (A) of this paragraph does not apply:

11 (i) During periods in which there is a denial under the jurisdiction of the  
12 Workers' Compensation Board that affects the worker's ability to obtain  
13 authorization of temporary disability;

14 (ii) During periods in which there is a dispute over the identity of, or  
15 treatment by, an attending physician [or *nurse practitioner*] that affects the  
16 worker's ability to obtain authorization of temporary disability; or

17 (iii) When notice has not been given pursuant to paragraph (j) of this  
18 subsection.

19 (h) The worker's disability may be authorized only by [a *person*  
20 *described*] **an attending physician as defined** in ORS 656.005 (12)(b)(B), or  
21 **a person described in ORS 656.245**, for the period of time permitted by  
22 those sections. The insurer or self-insured employer may unilaterally suspend  
23 payment of temporary disability benefits to the worker at the expiration of  
24 the period until temporary disability is reauthorized by [an] **the** attending  
25 physician [or *nurse practitioner authorized to provide compensable medical*  
26 *services under ORS 656.245*].

27 (i) The insurer or self-insured employer may unilaterally suspend payment  
28 of all compensation to a worker enrolled in a managed care organization if  
29 the worker continues to seek care from an attending physician [or *nurse*  
30 *practitioner authorized to provide compensable medical services under ORS*  
31 *656.245*] that is not authorized by the managed care organization more than

1 seven days after the mailing of notice by the insurer or self-insured employer.

2 (j)(A) The insurer or self-insured employer may not end temporary dis-  
3 ability benefits until written notice has been mailed or delivered to the  
4 worker and the worker's attorney, if the worker is represented. The notice  
5 must state the reason that temporary disability benefits are no longer due  
6 and payable.

7 (B) The worker's attending physician [*or nurse practitioner*] may  
8 retroactively authorize temporary disability for up to 45 days prior to the  
9 date of the notice.

10 (C) If the notice required under subparagraph (A) of this paragraph is  
11 given more than 45 days after the worker was no longer eligible for benefits,  
12 the attending physician [*or nurse practitioner*] may retroactively authorize  
13 temporary disability back to the date on which benefits were no longer due  
14 and payable, provided the authorization is made within 30 days following the  
15 earlier of the date of mailing or delivery of the written notice that the el-  
16 igibility ended to the worker and the worker's attorney, if the worker is re-  
17 presented.

18 (5)(a) Payment of compensation under subsection (4) of this section or  
19 payment, in amounts per claim not to exceed the maximum amount estab-  
20 lished annually by the Director of the Department of Consumer and Business  
21 Services, for medical services for nondisabling claims, may be made by the  
22 subject employer if the employer so chooses. The making of such payments  
23 does not constitute a waiver or transfer of the insurer's duty to determine  
24 entitlement to benefits. If the employer chooses to make such payment, the  
25 employer shall report the injury to the insurer in the same manner that  
26 other injuries are reported. However, an insurer shall not modify an  
27 employer's experience rating or otherwise make charges against the employer  
28 for any medical expenses paid by the employer pursuant to this subsection.

29 (b) To establish the maximum amount an employer may pay for medical  
30 services for nondisabling claims under paragraph (a) of this subsection, the  
31 director shall use \$1,500 as the base compensation amount and shall adjust

1 the base compensation amount annually to reflect changes in the United  
2 States City Average Consumer Price Index for All Urban Consumers for  
3 Medical Care for July of each year as published by the Bureau of Labor  
4 Statistics of the United States Department of Labor. The adjustment shall  
5 be rounded to the nearest multiple of \$100.

6 (c) The adjusted amount established under paragraph (b) of this sub-  
7 section shall be effective on January 1 following the establishment of the  
8 amount and shall apply to claims with a date of injury on or after the ef-  
9 fective date of the adjusted amount.

10 (6)(a) Written notice of acceptance or denial of the claim shall be fur-  
11 nished to the claimant by the insurer or self-insured employer within 60 days  
12 after the employer has notice or knowledge of the claim. Once the claim is  
13 accepted, the insurer or self-insured employer shall not revoke acceptance  
14 except as provided in this section. The insurer or self-insured employer may  
15 revoke acceptance and issue a denial at any time when the denial is for  
16 fraud, misrepresentation or other illegal activity by the worker. If the  
17 worker requests a hearing on any revocation of acceptance and denial al-  
18 leging fraud, misrepresentation or other illegal activity, the insurer or self-  
19 insured employer has the burden of proving, by a preponderance of the  
20 evidence, such fraud, misrepresentation or other illegal activity. Upon such  
21 proof, the worker then has the burden of proving, by a preponderance of the  
22 evidence, the compensability of the claim. If the insurer or self-insured em-  
23 ployer accepts a claim in good faith, in a case not involving fraud, misrep-  
24 resentation or other illegal activity by the worker, and later obtains evidence  
25 that the claim is not compensable or evidence that the insurer or self-insured  
26 employer is not responsible for the claim, the insurer or self-insured em-  
27 ployer may revoke the claim acceptance and issue a formal notice of claim  
28 denial, if such revocation of acceptance and denial is issued no later than  
29 two years after the date of the initial acceptance. If the worker requests a  
30 hearing on such revocation of acceptance and denial, the insurer or self-  
31 insured employer must prove, by a preponderance of the evidence, that the

1 claim is not compensable or that the insurer or self-insured employer is not  
2 responsible for the claim. Notwithstanding any other provision of this chap-  
3 ter, if a denial of a previously accepted claim is set aside by an Adminis-  
4 trative Law Judge, the Workers' Compensation Board or the court,  
5 temporary total disability benefits are payable from the date any such bene-  
6 fits were terminated under the denial. Except as provided in ORS 656.247,  
7 pending acceptance or denial of a claim, compensation payable to a claimant  
8 does not include the costs of medical benefits or funeral expenses. The  
9 insurer shall also furnish the employer a copy of the notice of acceptance.

10 (b) The notice of acceptance shall:

11 (A) Specify what conditions are compensable.

12 (B) Advise the claimant whether the claim is considered disabling or  
13 nondisabling.

14 (C) Inform the claimant of the Expedited Claim Service and of the hearing  
15 and aggravation rights concerning nondisabling injuries, including the right  
16 to object to a decision that the injury of the claimant is nondisabling by  
17 requesting reclassification pursuant to ORS 656.277.

18 (D) Inform the claimant of employment reinstatement rights and respon-  
19 sibilities under ORS chapter 659A.

20 (E) Inform the claimant of assistance available to employers and workers  
21 from the Reemployment Assistance Program under ORS 656.622.

22 (F) Be modified by the insurer or self-insured employer from time to time  
23 as medical or other information changes a previously issued notice of ac-  
24 ceptance.

25 (c) An insurer's or self-insured employer's acceptance of a combined or  
26 consequential condition under ORS 656.005 (7), whether voluntary or as a  
27 result of a judgment or order, shall not preclude the insurer or self-insured  
28 employer from later denying the combined or consequential condition if the  
29 otherwise compensable injury ceases to be the major contributing cause of  
30 the combined or consequential condition.

31 (d) An injured worker who believes that a condition has been incorrectly

1 omitted from a notice of acceptance, or that the notice is otherwise deficient,  
2 first must communicate in writing to the insurer or self-insured employer the  
3 worker's objections to the notice pursuant to ORS 656.267. The insurer or  
4 self-insured employer has 60 days from receipt of the communication from the  
5 worker to revise the notice or to make other written clarification in re-  
6 sponse. A worker who fails to comply with the communication requirements  
7 of this paragraph or ORS 656.267 may not allege at any hearing or other  
8 proceeding on the claim a de facto denial of a condition based on information  
9 in the notice of acceptance from the insurer or self-insured employer. Not-  
10 withstanding any other provision of this chapter, the worker may initiate  
11 objection to the notice of acceptance at any time.

12 (7)(a) After claim acceptance, written notice of acceptance or denial of  
13 claims for aggravation or new medical or omitted condition claims properly  
14 initiated pursuant to ORS 656.267 shall be furnished to the claimant by the  
15 insurer or self-insured employer within 60 days after the insurer or self-  
16 insured employer receives written notice of such claims. A worker who fails  
17 to comply with the communication requirements of subsection (6) of this  
18 section or ORS 656.267 may not allege at any hearing or other proceeding  
19 on the claim a de facto denial of a condition based on information in the  
20 notice of acceptance from the insurer or self-insured employer.

21 (b) Once a worker's claim has been accepted, the insurer or self-insured  
22 employer must issue a written denial to the worker when the accepted injury  
23 is no longer the major contributing cause of the worker's combined condition  
24 before the claim may be closed.

25 (c) When an insurer or self-insured employer determines that the claim  
26 qualifies for claim closure, the insurer or self-insured employer shall issue  
27 at claim closure an updated notice of acceptance that specifies which condi-  
28 tions are compensable. The procedures specified in subsection (6)(d) of this  
29 section apply to this notice. Any objection to the updated notice or appeal  
30 of denied conditions shall not delay claim closure pursuant to ORS 656.268.  
31 If a condition is found compensable after claim closure, the insurer or self-

1 insured employer shall reopen the claim for processing regarding that con-  
2 dition.

3 (8) The assigned claims agent in processing claims under ORS 656.054  
4 shall send notice of acceptance or denial to the noncomplying employer.

5 (9) If an insurer or any other duly authorized agent of the employer for  
6 such purpose, on record with the Director of the Department of Consumer  
7 and Business Services denies a claim for compensation, written notice of  
8 such denial, stating the reason for the denial, and informing the worker of  
9 the Expedited Claim Service and of hearing rights under ORS 656.283, shall  
10 be given to the claimant. The insurer shall issue a copy of the notice of de-  
11 nial to the employer. The insurer shall notify the director of the denial in  
12 the manner the director prescribes by rule. The worker may request a hear-  
13 ing pursuant to ORS 656.319.

14 (10) Merely paying or providing compensation shall not be considered  
15 acceptance of a claim or an admission of liability, nor shall mere acceptance  
16 of such compensation be considered a waiver of the right to question the  
17 amount thereof. Payment of permanent disability benefits pursuant to a no-  
18 tice of closure, reconsideration order or litigation order, or the failure to  
19 appeal or seek review of such an order or notice of closure, shall not pre-  
20 clude an insurer or self-insured employer from subsequently contesting the  
21 compensability of the condition rated therein, unless the condition has been  
22 formally accepted.

23 (11)(a) If the insurer or self-insured employer unreasonably delays or un-  
24 reasonably refuses to pay compensation, attorney fees or costs, or unreason-  
25 ably delays acceptance or denial of a claim, the insurer or self-insured  
26 employer shall be liable for an additional amount up to 25 percent of the  
27 amounts then due plus any attorney fees assessed under this section. The fees  
28 assessed by the director, an Administrative Law Judge, the board or the  
29 court under this section shall be reasonable attorney fees. In assessing fees,  
30 the director, an Administrative Law Judge, the board or the court shall  
31 consider the proportionate benefit to the injured worker. The board shall

1 adopt rules for establishing the amount of the attorney fee, giving primary  
2 consideration to the results achieved and to the time devoted to the case.  
3 An attorney fee awarded pursuant to this subsection may not exceed \$4,000  
4 absent a showing of extraordinary circumstances. The maximum attorney fee  
5 awarded under this paragraph shall be adjusted annually on July 1 by the  
6 same percentage increase as made to the average weekly wage defined in  
7 ORS 656.211, if any. Notwithstanding any other provision of this chapter,  
8 the director shall have exclusive jurisdiction over proceedings regarding  
9 solely the assessment and payment of the additional amount and attorney  
10 fees described in this subsection. The action of the director and the review  
11 of the action taken by the director shall be subject to review under ORS  
12 656.704.

13 (b) When the director does not have exclusive jurisdiction over pro-  
14 ceedings regarding the assessment and payment of the additional amount and  
15 attorney fees described in this subsection, the provisions of this subsection  
16 shall apply in the other proceeding.

17 (12)(a) If payment is due on a disputed claim settlement authorized by  
18 ORS 656.289 and the insurer or self-insured employer has failed to make the  
19 payment in accordance with the requirements specified in the disputed claim  
20 settlement, the claimant or the claimant's attorney shall clearly notify the  
21 insurer or self-insured employer in writing that the payment is past due. If  
22 the required payment is not made within five business days after receipt of  
23 the notice by the insurer or self-insured employer, the director may assess  
24 a penalty and attorney fee in accordance with a matrix adopted by the di-  
25 rector by rule.

26 (b) The director shall adopt by rule a matrix for the assessment of the  
27 penalties and attorney fees authorized under this subsection. The matrix  
28 shall provide for penalties based on a percentage of the settlement proceeds  
29 allocated to the claimant and for attorney fees based on a percentage of the  
30 settlement proceeds allocated to the claimant's attorney as an attorney fee.

31 (13) The insurer may authorize an employer to pay compensation to in-

1 jured workers and shall reimburse employers for compensation so paid.

2 (14)(a) Injured workers have the duty to cooperate and assist the insurer  
3 or self-insured employer in the investigation of claims for compensation. In-  
4 jured workers shall submit to and shall fully cooperate with personal and  
5 telephonic interviews and other formal or informal information gathering  
6 techniques. Injured workers who are represented by an attorney shall have  
7 the right to have the attorney present during any personal or telephonic  
8 interview or deposition. If the injured worker is represented by an attorney,  
9 the insurer or self-insured employer shall pay the attorney a reasonable at-  
10 torney fee based upon an hourly rate for actual time spent during the per-  
11 sonal or telephonic interview or deposition. After consultation with the  
12 Board of Governors of the Oregon State Bar, the Workers' Compensation  
13 Board shall adopt rules for the establishment, assessment and enforcement  
14 of an hourly attorney fee rate specified in this subsection.

15 (b) If the attorney is not willing or available to participate in an inter-  
16 view at a time reasonably chosen by the insurer or self-insured employer  
17 within 14 days of the request for interview and the insurer or self-insured  
18 employer has cause to believe that the attorney's unwillingness or unavail-  
19 ability is unreasonable and is preventing the worker from complying within  
20 14 days of the request for interview, the insurer or self-insured employer  
21 shall notify the director. If the director determines that the attorney's un-  
22 willingness or unavailability is unreasonable, the director shall assess a civil  
23 penalty against the attorney of not more than \$1,000.

24 (15) If the director finds that a worker fails to reasonably cooperate with  
25 an investigation involving an initial claim to establish a compensable injury  
26 or an aggravation claim to reopen the claim for a worsened condition, the  
27 director shall suspend all or part of the payment of compensation after notice  
28 to the worker. If the worker does not cooperate for an additional 30 days  
29 after the notice, the insurer or self-insured employer may deny the claim  
30 because of the worker's failure to cooperate. The obligation of the insurer  
31 or self-insured employer to accept or deny the claim within 60 days is sus-

1 pended during the time of the worker's noncooperation. After such a denial,  
2 the worker shall not be granted a hearing or other proceeding under this  
3 chapter on the merits of the claim unless the worker first requests and es-  
4 tablishes at an expedited hearing under ORS 656.291 that the worker fully  
5 and completely cooperated with the investigation, that the worker failed to  
6 cooperate for reasons beyond the worker's control or that the investigative  
7 demands were unreasonable. If the Administrative Law Judge finds that the  
8 worker has not fully cooperated, the Administrative Law Judge shall affirm  
9 the denial, and the worker's claim for injury shall remain denied. If the  
10 Administrative Law Judge finds that the worker has cooperated, or that the  
11 investigative demands were unreasonable, the Administrative Law Judge  
12 shall set aside the denial, order the reinstatement of interim compensation  
13 if appropriate and remand the claim to the insurer or self-insured employer  
14 to accept or deny the claim.

15 (16) In accordance with ORS 656.283 (3), the Administrative Law Judge  
16 assigned a request for hearing for a claim for compensation involving more  
17 than one potentially responsible employer or insurer may specify what is  
18 required of an injured worker to reasonably cooperate with the investigation  
19 of the claim as required by subsection (14) of this section.

20 **SECTION 56.** ORS 656.268 is amended to read:

21 656.268. (1) One purpose of this chapter is to restore the injured worker  
22 as soon as possible and as near as possible to a condition of self support and  
23 maintenance as an able-bodied worker. The insurer or self-insured employer  
24 shall close the worker's claim, as prescribed by the Director of the Depart-  
25 ment of Consumer and Business Services, and determine the extent of the  
26 worker's permanent disability, provided the worker is not enrolled and ac-  
27 tively engaged in training according to rules adopted by the director pursu-  
28 ant to ORS 656.340 and 656.726, when one of the following conditions is met:

29 (a) The worker has become medically stationary and there is sufficient  
30 information to determine permanent disability. Notwithstanding any other  
31 provision of this chapter, a physician [or *nurse practitioner*] may not

1 retroactively determine a worker to be medically stationary more than 60  
2 days prior to the date of the determination except in the case of claims that  
3 are subject to subsection (13) of this section. An insurer or self-insured em-  
4 ployer must mail or deliver written notice to a worker and to the worker's  
5 attorney, if the worker is represented, within seven days following receipt  
6 of information that the worker is medically stationary.

7 (b) The accepted injury is no longer the major contributing cause of the  
8 worker's combined or consequential condition or conditions pursuant to ORS  
9 656.005 (7). When the claim is closed because the accepted injury is no longer  
10 the major contributing cause of the worker's combined or consequential  
11 condition or conditions, and there is sufficient information to determine  
12 permanent disability, the likely permanent disability that would have been  
13 due to the current accepted condition shall be estimated.

14 (c) Without the approval of the attending physician [*or nurse practitioner*  
15 *authorized to provide compensable medical services under ORS 656.245*], the  
16 worker fails to seek medical treatment for a period of 30 days or the worker  
17 fails to attend a closing examination, unless the worker affirmatively estab-  
18 lishes that such failure is attributable to reasons beyond the worker's con-  
19 trol.

20 (d) An insurer or self-insured employer finds that a worker who has been  
21 receiving permanent total disability benefits has materially improved and is  
22 capable of regularly performing work at a gainful and suitable occupation.

23 (2) If the worker is enrolled and actively engaged in training according  
24 to rules adopted pursuant to ORS 656.340 and 656.726, the temporary dis-  
25 ability compensation shall be proportionately reduced by any sums earned  
26 during the training.

27 (3) A copy of all medical reports and reports of vocational rehabilitation  
28 agencies or counselors shall be furnished to the worker, if requested by the  
29 worker.

30 (4) Temporary total disability benefits shall continue until whichever of  
31 the following events first occurs:

- 1       (a) The worker returns to regular or modified employment;
- 2       (b) The attending physician [*or nurse practitioner who has authorized*  
3 *temporary disability benefits for the worker under ORS 656.245*] advises the  
4 worker and documents in writing that the worker is released to return to  
5 regular employment;
- 6       (c) The attending physician [*or nurse practitioner who has authorized*  
7 *temporary disability benefits for the worker under ORS 656.245*] advises the  
8 worker and documents in writing that the worker is released to return to  
9 modified employment, such employment is offered in writing to the worker  
10 and the worker fails to begin such employment. However, an offer of modified  
11 employment may be refused by the worker without the termination of  
12 temporary total disability benefits if the offer:
  - 13       (A) Requires a commute that is beyond the physical capacity of the  
14 worker according to the worker's attending physician [*or the nurse practitioner*  
15 *who may authorize temporary disability under ORS 656.245*];
  - 16       (B) Is at a work site more than 50 miles one way from where the worker  
17 was injured unless the site is less than 50 miles from the worker's residence  
18 or the intent of the parties at the time of hire or as established by the pattern  
19 of employment prior to the injury was that the employer had multiple  
20 or mobile work sites and the worker could be assigned to any such site;
  - 21       (C) Is not with the employer at injury;
  - 22       (D) Is not at a work site of the employer at injury;
  - 23       (E) Is not consistent with the existing written shift change policy or is  
24 not consistent with common practice of the employer at injury or aggrava-  
25 tion; or
  - 26       (F) Is not consistent with an existing shift change provision of an applic-  
27 able collective bargaining agreement;
- 28       (d) Any other event that causes temporary disability benefits to be law-  
29 fully suspended, withheld or terminated under ORS 656.262 (4) or other pro-  
30 visions of this chapter; or
- 31       (e) Notwithstanding paragraph (c)(C), (D), (E) and (F) of this subsection,

1 the attending physician [or *nurse practitioner who has authorized temporary*  
2 *disability benefits under ORS 656.245*] for a home care worker or a personal  
3 support worker who has been made a subject worker pursuant to ORS 656.039  
4 advises the home care worker or personal support worker and documents in  
5 writing that the home care worker or personal support worker is released  
6 to return to modified employment, appropriate modified employment is of-  
7 fered in writing by the Home Care Commission or a designee of the com-  
8 mission to the home care worker or personal support worker for any client  
9 of the Department of Human Services who employs a home care worker or  
10 personal support worker and the worker fails to begin the employment.

11 (5)(a) Findings by the insurer or self-insured employer regarding the ex-  
12 tent of the worker's disability in closure of the claim shall be pursuant to  
13 the standards prescribed by the director.

14 (b) The insurer or self-insured employer shall issue a notice of closure of  
15 the claim to the worker and to the worker's attorney if the worker is re-  
16 presented. The insurer or self-insured employer shall notify the director of  
17 the closure in the manner the director prescribes by rule. If the worker is  
18 deceased at the time the notice of closure is issued, the insurer or self-  
19 insured employer shall mail the worker's copy of the notice of closure, ad-  
20 dressed to the estate of the worker, to the worker's last known address and  
21 may mail copies of the notice of closure to any known or potential benefi-  
22 ciaries to the estate of the deceased worker.

23 (c) The notice of closure must inform:

24 (A) The parties, in boldfaced type, of the proper manner in which to pro-  
25 ceed if they are dissatisfied with the terms of the notice of closure;

26 (B) The worker of:

27 (i) The amount of any further compensation, including permanent disa-  
28 bility compensation to be awarded;

29 (ii) The duration of temporary total or temporary partial disability com-  
30 pensation;

31 (iii) The right of the worker or beneficiaries of the worker who were

1 mailed a copy of the notice of closure under paragraph (b) of this subsection  
2 to request reconsideration by the director under this section within 60 days  
3 of the date of the notice of closure;

4 (iv) The right of beneficiaries who were not mailed a copy of the notice  
5 of closure under paragraph (b) of this subsection to request reconsideration  
6 by the director under this section within one year of the date the notice of  
7 closure was mailed to the estate of the worker under paragraph (b) of this  
8 subsection;

9 (v) The right of the insurer or self-insured employer to request reconsideration  
10 by the director under this section within seven days of the date of  
11 the notice of closure;

12 (vi) The aggravation rights; and

13 (vii) Any other information as the director may require; and

14 (C) Any beneficiaries of death benefits to which they may be entitled  
15 pursuant to ORS 656.204 and 656.208.

16 (d) If the insurer or self-insured employer has not issued a notice of closure,  
17 the worker may request closure. Within 10 days of receipt of a written  
18 request from the worker, the insurer or self-insured employer shall issue a  
19 notice of closure if the requirements of this section have been met or a no-  
20 tice of refusal to close if the requirements of this section have not been met.

21 A notice of refusal to close shall advise the worker of:

22 (A) The decision not to close;

23 (B) The right of the worker to request a hearing pursuant to ORS 656.283  
24 within 60 days of the date of the notice of refusal to close;

25 (C) The right to be represented by an attorney; and

26 (D) Any other information as the director may require.

27 (e) If a worker, a worker's beneficiary, an insurer or a self-insured em-  
28 ployer objects to the notice of closure, the objecting party first must request  
29 reconsideration by the director under this section. A worker's request for  
30 reconsideration must be made within 60 days of the date of the notice of  
31 closure. If the worker is deceased at the time the notice of closure is issued,

1 a request for reconsideration by a beneficiary of the worker who was mailed  
2 a copy of the notice of closure under paragraph (b) of this subsection must  
3 be made within 60 days of the date of the notice of closure. A request for  
4 reconsideration by a beneficiary to the estate of a deceased worker who was  
5 not mailed a copy of the notice of closure under paragraph (b) of this sub-  
6 section must be made within one year of the date the notice of closure was  
7 mailed to the estate of the worker under paragraph (b) of this subsection.  
8 A request for reconsideration by an insurer or self-insured employer may be  
9 based only on disagreement with the findings used to rate impairment and  
10 must be made within seven days of the date of the notice of closure.

11 (f) If an insurer or self-insured employer has closed a claim or refused to  
12 close a claim pursuant to this section, if the correctness of that notice of  
13 closure or refusal to close is at issue in a hearing on the claim and if a  
14 finding is made at the hearing that the notice of closure or refusal to close  
15 was not reasonable, a penalty shall be assessed against the insurer or self-  
16 insured employer and paid to the worker in an amount equal to 25 percent  
17 of all compensation determined to be then due the claimant.

18 (g) If, upon reconsideration of a claim closed by an insurer or self-insured  
19 employer, the director orders an increase by 25 percent or more of the  
20 amount of compensation to be paid to the worker for permanent disability  
21 and the worker is found upon reconsideration to be at least 20 percent per-  
22 manently disabled, a penalty shall be assessed against the insurer or self-  
23 insured employer and paid to the worker in an amount equal to 25 percent  
24 of all compensation determined to be then due the claimant. If the increase  
25 in compensation results from information that the insurer or self-insured  
26 employer demonstrates the insurer or self-insured employer could not rea-  
27 sonably have known at the time of claim closure, from new information ob-  
28 tained through a medical arbiter examination or from a determination order  
29 issued by the director that addresses the extent of the worker's permanent  
30 disability that is not based on the standards adopted pursuant to ORS 656.726  
31 (4)(f), the penalty shall not be assessed.

1        (6)(a) Notwithstanding any other provision of law, only one reconsideration proceeding may be held on each notice of closure. At the reconsideration proceeding:

4        (A) A deposition arranged by the worker, limited to the testimony and  
5 cross-examination of the worker about the worker's condition at the time of  
6 claim closure, shall become part of the reconsideration record. The deposition  
7 must be conducted subject to the opportunity for cross-examination by  
8 the insurer or self-insured employer and in accordance with rules adopted  
9 by the director. The cost of the court reporter, interpreter services, if nec-  
10 essary, and one original of the transcript of the deposition for the Depart-  
11 ment of Consumer and Business Services and one copy of the transcript of  
12 the deposition for each party shall be paid by the insurer or self-insured  
13 employer. The reconsideration proceeding may not be postponed to receive  
14 a deposition taken under this subparagraph. A deposition taken in accord-  
15 ance with this subparagraph may be received as evidence at a hearing even  
16 if the deposition is not prepared in time for use in the reconsideration pro-  
17 ceeding.

18        (B) Pursuant to rules adopted by the director, the worker or the insurer  
19 or self-insured employer may correct information in the record that is erro-  
20 neous and may submit any medical evidence that should have been but was  
21 not submitted by the attending physician [*or nurse practitioner authorized to*  
22 *provide compensable medical services under ORS 656.245*] at the time of claim  
23 closure.

24        (C) If the director determines that a claim was not closed in accordance  
25 with subsection (1) of this section, the director may rescind the closure.

26        (b) If necessary, the director may require additional medical or other in-  
27 formation with respect to the claims and may postpone the reconsideration  
28 for not more than 60 additional calendar days.

29        (c) In any reconsideration proceeding under this section in which the  
30 worker was represented by an attorney, the director shall order the insurer  
31 or self-insured employer to pay to the attorney, out of the additional com-

1   pensation awarded, an amount equal to 10 percent of any additional com-  
2   pensation awarded to the worker.

3       (d) Except as provided in subsection (7) of this section, the reconsider-  
4       ation proceeding shall be completed within 18 working days from the date  
5       the reconsideration proceeding begins, and shall be performed by a special  
6       evaluation appellate unit within the department. The deadline of 18 working  
7       days may be postponed by an additional 60 calendar days if within the 18  
8       working days the department mails notice of review by a medical arbiter. If  
9       an order on reconsideration has not been mailed on or before 18 working  
10      days from the date the reconsideration proceeding begins, or within 18  
11      working days plus the additional 60 calendar days where a notice for medical  
12      arbiter review was timely mailed or the director postponed the reconsider-  
13      ation pursuant to paragraph (b) of this subsection, or within such additional  
14      time as provided in subsection (8) of this section when reconsideration is  
15      postponed further because the worker has failed to cooperate in the medical  
16      arbiter examination, reconsideration shall be deemed denied and any further  
17      proceedings shall occur as though an order on reconsideration affirming the  
18      notice of closure was mailed on the date the order was due to issue.

19       (e) The period for completing the reconsideration proceeding described in  
20      paragraph (d) of this subsection begins upon receipt by the director of a  
21      worker's or a beneficiary's request for reconsideration pursuant to subsection  
22      (5)(e) of this section. If the insurer or self-insured employer requests recon-  
23      sideration, the period for reconsideration begins upon the earlier of the date  
24      of the request for reconsideration by the worker or beneficiary, the date of  
25      receipt of a waiver from the worker or beneficiary of the right to request  
26      reconsideration or the date of expiration of the right of the worker or ben-  
27      eficiary to request reconsideration. If a party elects not to file a separate  
28      request for reconsideration, the party does not waive the right to fully par-  
29      ticipate in the reconsideration proceeding, including the right to proceed  
30      with the reconsideration if the initiating party withdraws the request for  
31      reconsideration.

1       (f) Any medical arbiter report may be received as evidence at a hearing  
2 even if the report is not prepared in time for use in the reconsideration  
3 proceeding.

4       (g) If any party objects to the reconsideration order, the party may re-  
5 quest a hearing under ORS 656.283 within 30 days from the date of the re-  
6 consideration order.

7       (7)(a) The director may delay the reconsideration proceeding and toll the  
8 reconsideration timeline established under subsection (6) of this section for  
9 up to 45 calendar days if:

10       (A) A request for reconsideration of a notice of closure has been made to  
11 the director within 60 days of the date of the notice of closure;

12       (B) The parties are actively engaged in settlement negotiations that in-  
13 clude issues in dispute at reconsideration;

14       (C) The parties agree to the delay; and

15       (D) Both parties notify the director before the 18th working day after the  
16 reconsideration proceeding has begun that they request a delay under this  
17 subsection.

18       (b) A delay of the reconsideration proceeding granted by the director un-  
19 der this subsection expires:

20       (A) If a party requests the director to resume the reconsideration pro-  
21 ceeding before the expiration of the delay period;

22       (B) If the parties reach a settlement and the director receives a copy of  
23 the approved settlement documents before the expiration of the delay period;  
24 or

25       (C) On the next calendar day following the expiration of the delay period  
26 authorized by the director.

27       (c) Upon expiration of a delay granted under this subsection, the timeline  
28 for the completion of the reconsideration proceeding shall resume as if the  
29 delay had never been granted.

30       (d) Compensation due the worker shall continue to be paid during the  
31 period of delay authorized under this subsection.

1       (e) The director may authorize only one delay period for each reconsideration proceeding.

3       (8)(a) If the basis for objection to a notice of closure issued under this  
4 section is disagreement with the impairment used in rating of the worker's  
5 disability, the director shall refer the claim to a medical arbiter appointed  
6 by the director.

7       (b) If the director determines that insufficient medical information is  
8 available to determine disability, the director may appoint, and refer the  
9 claim to, a medical arbiter.

10      (c) At the request of either of the parties, the director shall appoint a  
11 panel of as many as three medical arbiters in accordance with criteria that  
12 the director sets by rule.

13      (d) The arbiter, or panel of medical arbiters, must be chosen from among  
14 a list of physicians qualified to be attending physicians referred to in ORS  
15 656.005 (12)(b)(A) whom the director selected in consultation with the Oregon  
16 Medical Board and the committee referred to in ORS 656.790.

17      (e)(A) The medical arbiter or panel of medical arbiters may examine the  
18 worker and perform such tests as may be reasonable and necessary to es-  
19 tablish the worker's impairment.

20      (B) If the director determines that the worker failed to attend the exam-  
21 ination without good cause or failed to cooperate with the medical arbiter,  
22 or panel of medical arbiters, the director shall postpone the reconsideration  
23 proceedings for up to 60 days from the date of the determination that the  
24 worker failed to attend or cooperate, and shall suspend all disability benefits  
25 resulting from this or any prior opening of the claim until such time as the  
26 worker attends and cooperates with the examination or the request for re-  
27 consideration is withdrawn. Any additional evidence regarding good cause  
28 must be submitted prior to the conclusion of the 60-day postponement period.

29      (C) At the conclusion of the 60-day postponement period, if the worker  
30 has not attended and cooperated with a medical arbiter examination or es-  
31 tablished good cause, the worker may not attend a medical arbiter examina-

1 tion for this claim closure. The reconsideration record must be closed, and  
2 the director shall issue an order on reconsideration based upon the existing  
3 record.

4 (D) All disability benefits suspended under this subsection, including all  
5 disability benefits awarded in the order on reconsideration, or by an Ad-  
6 ministrative Law Judge, the Workers' Compensation Board or upon court  
7 review, are not due and payable to the worker.

8 (f) The insurer or self-insured employer shall pay the costs of examination  
9 and review by the medical arbiter or panel of medical arbiters.

10 (g) The findings of the medical arbiter or panel of medical arbiters must  
11 be submitted to the director for reconsideration of the notice of closure.

12 (h) After reconsideration, no subsequent medical evidence of the worker's  
13 impairment is admissible before the director, the Workers' Compensation  
14 Board or the courts for purposes of making findings of impairment on the  
15 claim closure.

16 (i)(A) If the basis for objection to a notice of closure issued under this  
17 section is a disagreement with the impairment used in rating the worker's  
18 disability, and the director determines that the worker is not medically sta-  
19 tionary at the time of the reconsideration or that the closure was not made  
20 pursuant to this section, the director is not required to appoint a medical  
21 arbiter before completing the reconsideration proceeding.

22 (B) If the worker's condition has substantially changed since the notice  
23 of closure, upon the consent of all the parties to the claim, the director shall  
24 postpone the proceeding until the worker's condition is appropriate for claim  
25 closure under subsection (1) of this section.

26 (9) No hearing shall be held on any issue that was not raised and pre-  
27 served before the director at reconsideration. However, issues arising out of  
28 the reconsideration order may be addressed and resolved at hearing.

29 (10) If, after the notice of closure issued pursuant to this section, the  
30 worker becomes enrolled and actively engaged in training according to rules  
31 adopted pursuant to ORS 656.340 and 656.726, any permanent disability pay-

1 ments due for work disability under the closure shall be suspended, and the  
2 worker shall receive temporary disability compensation and any permanent  
3 disability payments due for impairment while the worker is enrolled and  
4 actively engaged in the training. When the worker ceases to be enrolled and  
5 actively engaged in the training, the insurer or self-insured employer shall  
6 again close the claim pursuant to this section if the worker is medically  
7 stationary or if the worker's accepted injury is no longer the major contrib-  
8 uting cause of the worker's combined or consequential condition or condi-  
9 tions pursuant to ORS 656.005 (7). The closure shall include the duration of  
10 temporary total or temporary partial disability compensation. Permanent  
11 disability compensation shall be redetermined for work disability only. If the  
12 worker has returned to work or the worker's attending physician has re-  
13 leased the worker to return to regular or modified employment, the insurer  
14 or self-insured employer shall again close the claim. This notice of closure  
15 may be appealed only in the same manner as are other notices of closure  
16 under this section.

17 (11) If the attending physician [*or nurse practitioner authorized to provide*  
18 *compensable medical services under ORS 656.245*] has approved the worker's  
19 return to work and there is a labor dispute in progress at the place of em-  
20 ployment, the worker may refuse to return to that employment without loss  
21 of reemployment rights or any vocational assistance provided by this chap-  
22 ter.

23 (12) Any notice of closure made under this section may include necessary  
24 adjustments in compensation paid or payable prior to the notice of closure,  
25 including disallowance of permanent disability payments prematurely made,  
26 crediting temporary disability payments against current or future permanent  
27 or temporary disability awards or payments and requiring the payment of  
28 temporary disability payments which were payable but not paid.

29 (13) An insurer or self-insured employer may take a credit or offset of  
30 previously paid workers' compensation benefits or payments against any  
31 further workers' compensation benefits or payments due a worker from that

1 insurer or self-insured employer when the worker admits to having obtained  
2 the previously paid benefits or payments through fraud, or a civil judgment  
3 or criminal conviction is entered against the worker for having obtained the  
4 previously paid benefits through fraud. Benefits or payments obtained  
5 through fraud by a worker may not be included in any data used for  
6 ratemaking or individual employer rating or dividend calculations by an  
7 insurer, a rating organization licensed pursuant to ORS chapter 737, the  
8 State Accident Insurance Fund Corporation or the director.

9 (14)(a) An insurer or self-insured employer may offset any compensation  
10 payable to the worker to recover an overpayment from a claim with the same  
11 insurer or self-insured employer. When overpayments are recovered from  
12 temporary disability or permanent total disability benefits, the amount re-  
13 covered from each payment shall not exceed 25 percent of the payment,  
14 without prior authorization from the worker.

15 (b) An insurer or self-insured employer may suspend and offset any com-  
16 pensation payable to the beneficiary of the worker, and recover an overpay-  
17 ment of permanent total disability benefits caused by the failure of the  
18 worker's beneficiaries to notify the insurer or self-insured employer about  
19 the death of the worker.

20 (15) Conditions that are direct medical sequelae to the original accepted  
21 condition shall be included in rating permanent disability of the claim unless  
22 they have been specifically denied.

23 (16)(a) Except as provided under subsection (13) of this section, an insurer  
24 or self-insured employer may not recover an overpayment from a worker's  
25 permanent partial disability compensation for overpayments, offsets or cred-  
26 its of wage loss in an amount that exceeds 50 percent of the total compen-  
27 sation awarded to the worker.

28 (b) An insurer or self-insured employer may not declare an overpayment  
29 of any compensation that was paid more than two years prior to the date  
30 of the declaration.

31 **SECTION 57.** ORS 656.325 is amended to read:

1       656.325. (1)(a) Any worker entitled to receive compensation under this  
2 chapter is required, if requested by the Director of the Department of Con-  
3 sumer and Business Services, the insurer or self-insured employer, to submit  
4 to a medical examination at a time reasonably convenient for the worker as  
5 may be provided by the rules of the director. No more than three independent  
6 medical examinations may be requested except after notification to and au-  
7 thorization by the director. If the worker refuses to submit to any such ex-  
8 amination, or obstructs the same, the rights of the worker to compensation  
9 shall be suspended with the consent of the director until the examination  
10 has taken place, and no compensation shall be payable during or for account  
11 of such period. The provisions of this paragraph are subject to the limita-  
12 tions on medical examinations provided in ORS 656.268.

13       (b) When a worker is requested by the director, the insurer or self-insured  
14 employer to attend an independent medical examination, the examination  
15 must be conducted by a physician selected from a list of qualified physicians  
16 established by the director under ORS 656.328.

17       (c) The director shall adopt rules applicable to independent medical ex-  
18 aminations conducted pursuant to paragraph (a) of this subsection that:

19       (A) Provide a worker the opportunity to request review by the director  
20 of the reasonableness of the location selected for an independent medical  
21 examination. Upon receipt of the request for review, the director shall con-  
22 duct an expedited review of the location selected for the independent medical  
23 examination and issue an order on the reasonableness of the location of the  
24 examination. The director shall determine if there is substantial evidence for  
25 the objection to the location for the independent medical examination based  
26 on a conclusion that the required travel is medically contraindicated or  
27 other good cause establishing that the required travel is unreasonable. The  
28 determinations of the director about the location of independent medical  
29 examinations are not subject to review.

30       (B) Impose a monetary penalty against a worker who fails to attend an  
31 independent medical examination without prior notification or without jus-

1 tification for not attending the examination. A penalty imposed under this  
2 subparagraph may be imposed only on a worker who is not receiving tem-  
3 porary disability benefits under ORS 656.210 or 656.212. An insurer or self-  
4 insured employer may offset any future compensation payable to the worker  
5 to recover any penalty imposed under this subparagraph from a claim with  
6 the same insurer or self-insured employer. When a penalty is recovered from  
7 temporary disability or permanent total disability benefits, the amount re-  
8 covered from each payment may not exceed 25 percent of the benefit payment  
9 without prior authorization from the worker.

10 (C) Impose a sanction against a medical service provider that unreason-  
11 ably fails to provide in a timely manner diagnostic records required for an  
12 independent medical examination.

13 (d) Notwithstanding ORS 656.262 (6), if the director determines that the  
14 location selected for an independent medical examination is unreasonable,  
15 the insurer or self-insured employer shall accept or deny the claim within  
16 90 days after the employer has notice or knowledge of the claim.

17 (e) If the worker has made a timely request for a hearing on a denial of  
18 compensability as required by ORS 656.319 (1)(a) that is based on one or more  
19 reports of examinations conducted pursuant to paragraph (a) of this sub-  
20 section and the worker's attending physician *[or nurse practitioner authorized*  
*to provide compensable medical services under ORS 656.245]* does not concur  
22 with the report or reports, the worker may request an examination to be  
23 conducted by a physician selected by the director from the list described in  
24 ORS 656.328. The cost of the examination and the examination report shall  
25 be paid by the insurer or self-insured employer.

26 (f) The insurer or self-insured employer shall pay the costs of the medical  
27 examination and related services which are reasonably necessary to allow  
28 the worker to submit to any examination requested under this section. As  
29 used in this paragraph, "related services" includes, but is not limited to,  
30 child care, travel, meals, lodging and an amount equivalent to the worker's  
31 net lost wages for the period during which the worker is absent if the worker

1 does not receive benefits pursuant to ORS 656.210 (4) during the period of  
2 absence. A claim for “related services” described in this paragraph shall be  
3 made in the manner prescribed by the director.

4 (g) A worker who objects to the location of an independent medical ex-  
5 amination must request review by the director under paragraph (c)(A) of this  
6 subsection within six business days of the date the notice of the independent  
7 medical examination was mailed.

8 (2) For any period of time during which any worker commits insanitary  
9 or injurious practices which tend to either imperil or retard recovery of the  
10 worker, or refuses to submit to such medical or surgical treatment as is  
11 reasonably essential to promote recovery, or fails to participate in a program  
12 of physical rehabilitation, the right of the worker to compensation shall be  
13 suspended with the consent of the director and no payment shall be made for  
14 such period. The period during which such worker would otherwise be enti-  
15 tled to compensation may be reduced with the consent of the director to such  
16 an extent as the disability has been increased by such refusal.

17 (3) A worker who has received an award for permanent total or permanent  
18 partial disability should be encouraged to make a reasonable effort to reduce  
19 the disability; and the award shall be subject to periodic examination and  
20 adjustment in conformity with ORS 656.268.

21 (4) When the employer of an injured worker, or the employer's insurer  
22 determines that the injured worker has failed to follow medical advice from  
23 the attending physician [*or nurse practitioner authorized to provide  
compensable medical services under ORS 656.245*] or has failed to participate  
24 in or complete physical restoration or vocational rehabilitation programs  
25 prescribed for the worker pursuant to this chapter, the employer or insurer  
26 may petition the director for reduction of any benefits awarded the worker.  
27 Notwithstanding any other provision of this chapter, if the director finds  
28 that the worker has failed to accept treatment as provided in this subsection,  
29 the director may reduce any benefits awarded the worker by such amount  
30 as the director considers appropriate.

1       (5)(a) Except as provided by ORS 656.268 (4)(c) and (11), an insurer or  
2 self-insured employer shall cease making payments pursuant to ORS 656.210  
3 and shall commence making payment of such amounts as are due pursuant  
4 to ORS 656.212 when an injured worker refuses wage earning employment  
5 prior to claim determination and the worker's attending physician *[or nurse*  
6 *practitioner authorized to provide compensable medical services under ORS*  
7 *656.245]*, after being notified by the employer of the specific duties to be  
8 performed by the injured worker, agrees that the injured worker is capable  
9 of performing the employment offered.

10     (b) If the worker has been terminated for violation of work rules or other  
11 disciplinary reasons, the insurer or self-insured employer shall cease pay-  
12 ments pursuant to ORS 656.210 and commence payments pursuant to ORS  
13 656.212 when the attending physician *[or nurse practitioner authorized to*  
14 *provide compensable medical services under ORS 656.245]* approves employ-  
15 ment in a modified job that would have been offered to the worker if the  
16 worker had remained employed, provided that the employer has a written  
17 policy of offering modified work to injured workers.

18     (c) If the worker is a person present in the United States in violation of  
19 federal immigration laws, the insurer or self-insured employer shall cease  
20 payments pursuant to ORS 656.210 and commence payments pursuant to ORS  
21 656.212 when the attending physician *[or nurse practitioner authorized to*  
22 *provide compensable medical services under ORS 656.245]* approves employ-  
23 ment in a modified job whether or not such a job is available.

24     (6) Any party may request a hearing on any dispute under this section  
25 pursuant to ORS 656.283.

26     **SECTION 58.** ORS 656.340 is amended to read:

27     656.340. (1)(a) The insurer or self-insured employer shall cause vocational  
28 assistance to be provided to an injured worker who is eligible for assistance  
29 in returning to work.

30     (b) For this purpose the insurer or self-insured employer shall contact a  
31 worker with a claim for a disabling compensable injury or claim for aggra-

1 vation for evaluation of the worker's eligibility for vocational assistance  
2 within five days of:

3 (A) Having knowledge of the worker's likely eligibility for vocational as-  
4 sistance, from a medical or investigation report, notification from the  
5 worker, or otherwise; or

6 (B) The time the worker is medically stationary, if the worker has not  
7 returned to or been released for the worker's regular employment or has not  
8 returned to other suitable employment with the employer at the time of in-  
9 jury or aggravation and the worker is not receiving vocational assistance.

10 (c) Eligibility may be redetermined by the insurer or self-insured employer  
11 upon receipt of new information that would change the eligibility determi-  
12 nation.

13 (2) Contact under subsection (1) of this section shall include informing  
14 the worker about reemployment rights, the responsibility of the worker to  
15 request reemployment, and wage subsidy and job site modification assistance  
16 and the provisions of the preferred worker program pursuant to rules adopted  
17 by the Director of the Department of Consumer and Business Services.

18 (3) Within five days after notification that the attending physician [or  
19 *nurse practitioner authorized to provide compensable medical services under*  
20 *ORS 656.245*] has released a worker to return to work, the insurer or self-  
21 insured employer shall inform the worker about the opportunity to seek re-  
22 employment or reinstatement under ORS 659A.043 and 659A.046. The insurer  
23 shall inform the employer of the worker's reemployment rights, wage subsidy  
24 and the job site modification assistance and the provisions of the preferred  
25 worker program.

26 (4) As soon as possible, and not more than 30 days after the contact re-  
27 quired by subsection (1) of this section, the insurer or self-insured employer  
28 shall cause an individual certified by the director to provide vocational as-  
29 sistance to determine whether the worker is eligible for vocational assist-  
30 ance. The insurer or self-insured employer shall notify the worker of the  
31 decision regarding the worker's eligibility for vocational assistance. If the

1 insurer or self-insured employer decides that the worker is not eligible, the  
2 worker may apply to the director for review of the decision as provided in  
3 subsection (16) of this section. A worker determined ineligible upon evalua-  
4 tion under subsection (1)(b)(B) of this section, or because the worker's el-  
5 igibility has fully and finally expired under standards prescribed by the  
6 director, may not be found eligible thereafter unless that eligibility deter-  
7 mination is rejected by the director under subsection (16) of this section or  
8 the worker's condition worsens so as to constitute an aggravation claim un-  
9 der ORS 656.273. A worker is not entitled to vocational assistance benefits  
10 when possible eligibility for such benefits arises from a worsening of the  
11 worker's condition that occurs after the expiration of the worker's aggra-  
12 vation rights under ORS 656.273.

13 (5) The objectives of vocational assistance are to return the worker to  
14 employment which is as close as possible to the worker's regular employment  
15 at a wage as close as possible to the weekly wage currently being paid for  
16 employment which was the worker's regular employment even though the  
17 wage available following employment may be less than the wage prescribed  
18 by subsection (6) of this section. As used in this subsection and subsection  
19 (6) of this section, "regular employment" means the employment the worker  
20 held at the time of the injury or the claim for aggravation under ORS  
21 656.273, whichever gave rise to the potential eligibility for vocational as-  
22 sistance; or, for a worker not employed at the time of the aggravation, the  
23 employment the worker held on the last day of work prior to the aggra-  
24 vation.

25 (6)(a) A worker is eligible for vocational assistance if the worker will not  
26 be able to return to the previous employment or to any other available and  
27 suitable employment with the employer at the time of injury or aggravation,  
28 and the worker has a substantial handicap to employment.

29 (b) As used in this subsection:

30 (A) A "substantial handicap to employment" exists when the worker, be-  
31 cause of the injury or aggravation, lacks the necessary physical capacities,

1 knowledge, skills and abilities to be employed in suitable employment.

2 (B) "Suitable employment" means:

3 (i) Employment of the kind for which the worker has the necessary

4 physical capacity, knowledge, skills and abilities;

5 (ii) Employment that is located where the worker customarily worked or

6 is within reasonable commuting distance of the worker's residence; and

7 (iii) Employment that produces a weekly wage within 20 percent of that

8 currently being paid for employment that was the worker's regular employ-

9 ment as defined in subsection (5) of this section. The director shall adopt

10 rules providing methods of calculating the weekly wage currently being paid

11 for the worker's regular employment for use in determining eligibility and

12 for providing assistance to eligible workers. If the worker's regular employ-

13 ment was seasonal or temporary, the worker's wage shall be averaged based

14 on a combination of the worker's earned income and any unemployment in-

15 surance payments. Only earned income evidenced by verifiable documenta-

16 tion such as federal or state tax returns shall be used in the calculation.

17 Earned income does not include fringe benefits or reimbursement of the

18 worker's employment expenses.

19 (7) Vocational evaluation, help in directly obtaining employment and

20 training shall be available under conditions prescribed by the director. The

21 director may establish other conditions for providing vocational assistance,

22 including those relating to the worker's availability for assistance, partic-

23 ipation in previous assistance programs connected with the same claim and

24 the nature and extent of assistance that may be provided. Such conditions

25 shall give preference to direct employment assistance over training.

26 (8) An insurer or self-insured employer may utilize its own staff or may

27 engage any other individual certified by the director to perform the voca-

28 tional evaluation required by subsection (4) of this section.

29 (9) The director shall adopt rules providing:

30 (a) Standards for and methods of certifying individuals qualified by edu-

31 cation, training and experience to provide vocational assistance to injured

1 workers;

2 (b) Standards for registration of vocational assistance providers;

3 (c) Conditions and procedures under which the certification of an indi-  
4 vidual to provide vocational assistance services or the registration of a vo-  
5 cational assistance provider may be suspended or revoked for failure to  
6 maintain compliance with the certification or registration standards;

7 (d) Standards for the nature and extent of services a worker may receive,  
8 for plans for return to work and for determining when the worker has re-  
9 turned to work; and

10 (e) Procedures, schedules and conditions relating to the payment for ser-  
11 vices performed by a vocational assistance provider, that are based on pay-  
12 ment for specific services performed and not fees for services performed on  
13 an hourly basis. Fee schedules shall reflect a reasonable rate for direct  
14 worker purchases and for all vocational assistance providers and shall be the  
15 same within suitable geographic areas.

16 (10) Insurers and self-insured employers shall maintain records and make  
17 reports to the director of vocational assistance actions at times and in the  
18 manner as the director may prescribe. The requirements prescribed shall be  
19 for the purpose of assisting the Department of Consumer and Business Ser-  
20 vices in monitoring compliance with this section to insure that workers re-  
21 ceive timely and appropriate vocational assistance. The director shall  
22 minimize to the greatest extent possible the number, extent and kinds of re-  
23 ports required. The director shall compile a list of organizations or agencies  
24 registered to provide vocational assistance. A current list shall be distributed  
25 by the director to all insurers and self-insured employers. The insurer shall  
26 send the list to each worker with the notice of eligibility.

27 (11) When a worker is eligible to receive vocational assistance, the  
28 worker and the insurer or self-insured employer shall attempt to agree on the  
29 choice of a vocational assistance provider. If the worker agrees, the insurer  
30 or self-insured employer may utilize its own staff to provide vocational as-  
31 sistance. If they are unable to agree on a vocational assistance provider, the

1 insurer or self-insured employer shall notify the director and the director  
2 shall select a provider. Any change in the choice of vocational assistance  
3 provider is subject to the approval of the director.

4 (12) Notwithstanding ORS 656.268, a worker actively engaged in training  
5 may receive temporary disability compensation for a maximum of 16 months.  
6 The insurer or self-insured employer may voluntarily extend the payment of  
7 temporary disability compensation to a maximum of 21 months. The director  
8 may order the payment of temporary disability compensation for up to 21  
9 months upon good cause shown by the injured worker. The costs related to  
10 vocational assistance training programs may be paid for periods longer than  
11 21 months, but in no event may temporary disability benefits be paid for a  
12 period longer than 21 months.

13 (13) As used in this section, "vocational assistance provider" means a  
14 public or private organization or agency that provides vocational assistance  
15 to injured workers.

16 (14)(a) Determination of eligibility for vocational assistance does not en-  
17 title all workers to the same type or extent of assistance.

18 (b) Training shall not be provided to an eligible worker solely because the  
19 worker cannot obtain employment, otherwise suitable, that will produce the  
20 wage prescribed in subsection (6) of this section unless such training will  
21 enable the worker to find employment which will produce a wage signif-  
22 icantly closer to that prescribed in subsection (6) of this section.

23 (c) Nothing in this section shall be interpreted to expand the availability  
24 of training under this section.

25 (15) A physical capacities evaluation shall be performed in conjunction  
26 with vocational assistance or determination of eligibility for such assistance  
27 at the request of the insurer or self-insured employer or worker. The request  
28 shall be made to the attending physician [*or nurse practitioner authorized to*  
29 *provide compensable medical services under ORS 656.245*]. [*The attending*  
30 *physician or nurse practitioner,*] Within 20 days of the request, **the attending**  
31 **physician** shall perform a physical capacities evaluation or refer the worker

1 for such evaluation or advise the insurer or self-insured employer and the  
2 worker in writing that the injured worker is incapable of participating in a  
3 physical capacities evaluation.

4 (16)(a) The Legislative Assembly finds that vocational rehabilitation of  
5 injured workers requires a high degree of cooperation between all of the  
6 participants in the vocational assistance process. Based on this finding, the  
7 Legislative Assembly concludes that disputes regarding eligibility for and  
8 extent of vocational assistance services should be resolved through nonad-  
9 versarial procedures to the greatest extent possible consistent with consti-  
10 tutional principles. The director shall adopt by rule a procedure for resolving  
11 vocational assistance disputes in the manner provided in this subsection.

12 (b) If a worker is dissatisfied with an action of the insurer or self-insured  
13 employer regarding vocational assistance, the worker must apply to the di-  
14 rector for administrative review of the matter. Application for review must  
15 be made not later than the 60th day after the date the worker was notified  
16 of the action. The director shall complete the review within a reasonable  
17 time.

18 (c) If the worker's dissatisfaction is resolved by agreement of the parties,  
19 the agreement shall be reduced to writing, and the director and the parties  
20 shall review the agreement and either approve or disapprove it. The agree-  
21 ment is subject to reconsideration by the director under limitations pre-  
22 scribed by the director, but is not subject to review by any other forum.

23 (d) If the worker's dissatisfaction is not resolved by agreement of the  
24 parties, the director shall resolve the matter in a written order based on a  
25 record sufficient to permit review. The order is subject to review under ORS  
26 656.704. The request for a hearing must be filed within 60 days of the date  
27 the order was issued. At the hearing, the order of the director shall be  
28 modified only if it:

29 (A) Violates a statute or rule;  
30 (B) Exceeds the statutory authority of the agency;  
31 (C) Was made upon unlawful procedure; or

1       (D) Was characterized by abuse of discretion or clearly unwarranted ex-  
2       ercise of discretion.

3       (e) For purposes of this subsection, the term "parties" does not include  
4       a noncomplying employer.

5       **SECTION 59.** ORS 656.726 is amended to read:

6       656.726. (1) The Workers' Compensation Board in its name and the Di-  
7       rector of the Department of Consumer and Business Services in the director's  
8       name as director may sue and be sued, and each shall have a seal.

9       (2) The board hereby is charged with reviewing appealed orders of Ad-  
10       ministrative Law Judges in controversies concerning a claim arising under  
11       this chapter, exercising own motion jurisdiction under this chapter and pro-  
12       viding such policy advice as the director may request, and providing such  
13       other review functions as may be prescribed by law. To that end any of its  
14       members or assistants authorized thereto by the members shall have power  
15       to:

16       (a) Hold sessions at any place within the state.

17       (b) Administer oaths.

18       (c) Issue and serve by the board's representatives, or by any sheriff,  
19       subpoenas for the attendance of witnesses and the production of papers,  
20       contracts, books, accounts, documents and testimony before any hearing un-  
21       der ORS 654.001 to 654.295, 654.412 to 654.423, 654.750 to 654.780 and this  
22       chapter.

23       (d) Generally provide for the taking of testimony and for the recording  
24       of proceedings.

25       (3) The board chairperson is hereby charged with the administration of  
26       and responsibility for the Hearings Division.

27       (4) The director hereby is charged with duties of administration, regu-  
28       lation and enforcement of ORS 654.001 to 654.295, 654.412 to 654.423, 654.750  
29       to 654.780 and this chapter. To that end the director may:

30       (a) Make and declare all rules and issue orders which are reasonably re-  
31       quired in the performance of the director's duties. Unless otherwise specified

1 by law, all reports, claims or other documents shall be deemed timely pro-  
2 vided to the director or board if mailed by regular mail or delivered within  
3 the time required by law. Notwithstanding any other provision of this chap-  
4 ter, the director may adopt rules to allow for the electronic transmission and  
5 filing of reports, claims or other documents required to be filed under this  
6 chapter and to require the electronic transmission and filing of proof of  
7 coverage required under ORS 656.419, 656.423 and 656.427. Notwithstanding  
8 ORS 183.310 to 183.410, if a matter comes before the director that is not ad-  
9 dressed by rule and the director finds that adoption of a rule to accommodate  
10 the matter would be inefficient, unreasonable or unnecessarily burdensome  
11 to the public, the director may resolve the matter by issuing an order, sub-  
12 ject to review under ORS 656.704. Such order shall not have precedential  
13 effect as to any other situation.

14 (b) Hold sessions at any place within the state.

15 (c) Administer oaths.

16 (d) Issue and serve by representatives of the director, or by any sheriff,  
17 subpoenas for the attendance of witnesses and the production of papers,  
18 contracts, books, accounts, documents and testimony in any inquiry, inves-  
19 tigation, proceeding or rulemaking hearing conducted by the director or the  
20 director's representatives. The director may require the attendance and tes-  
21 timony of employers, their officers and representatives in any inquiry under  
22 this chapter, and the production by employers of books, records, papers and  
23 documents without the payment or tender of witness fees on account of such  
24 attendance.

25 (e) Generally provide for the taking of testimony and for the recording  
26 of such proceedings.

27 (f) Provide standards for the evaluation of disabilities. The following  
28 provisions apply to the standards:

29 (A) The criterion for evaluation of permanent impairment under ORS  
30 656.214 is the loss of use or function of a body part or system due to the  
31 compensable industrial injury or occupational disease. Permanent impair-

1 ment is expressed as a percentage of the whole person. The impairment value  
2 may not exceed 100 percent of the whole person.

3 (B) Impairment is established by a preponderance of medical evidence  
4 based upon objective findings.

5 (C) The criterion for evaluation of work disability under ORS 656.214 is  
6 permanent impairment as modified by the factors of age, education and  
7 adaptability to perform a given job.

8 (D) When, upon reconsideration of a notice of closure pursuant to ORS  
9 656.268, it is found that the worker's disability is not addressed by the stan-  
10 dards adopted pursuant to this paragraph, notwithstanding ORS 656.268, the  
11 director shall, in the order on reconsideration, determine the extent of per-  
12 manent disability that addresses the worker's impairment.

13 (E) Notwithstanding any other provision of this section, only impairment  
14 benefits shall be awarded under ORS 656.214 if the worker has been released  
15 to regular work by the attending physician [or *nurse practitioner authorized*  
16 *to provide compensable medical services under ORS 656.245*] or has returned  
17 to regular work at the job held at the time of injury.

18 (g) Prescribe procedural rules for and conduct hearings, investigations  
19 and other proceedings pursuant to ORS 654.001 to 654.295, 654.412 to 654.423,  
20 654.750 to 654.780 and this chapter regarding all matters other than those  
21 specifically allocated to the board or the Hearings Division.

22 (h) Participate fully in any proceeding before the Hearings Division,  
23 board or Court of Appeals in which the director determines that the pro-  
24 ceeding involves a matter that affects or could affect the discharge of the  
25 director's duties of administration, regulation and enforcement of ORS  
26 654.001 to 654.295, 654.412 to 654.423, 654.750 to 654.780 and this chapter.

27 (5)(a) The board may make and declare all rules which are reasonably  
28 required in the performance of its duties, including but not limited to rules  
29 of practice and procedure in connection with hearing and review proceedings  
30 and exercising its authority under ORS 656.278. The board shall adopt stan-  
31 dards governing the format and timing of the evidence. The standards shall

1 be uniformly followed by all Administrative Law Judges and practitioners.  
2 The rules may provide for informal prehearing conferences in order to expe-  
3 dite claim adjudication, amicably dispose of controversies, if possible, narrow  
4 issues and simplify the method of proof at hearings. The rules shall specify  
5 who may appear with parties at prehearing conferences and hearings.

6 (b) Notwithstanding any other provision of this chapter, the board may  
7 adopt rules to allow for the electronic transmission of filings, reports, no-  
8 tices and other documents required to be filed under the board's authority.

9 (6) The director and the board chairperson may incur such expenses as  
10 they respectively determine are reasonably necessary to perform their au-  
11 thorized functions.

12 (7) The director, the board chairperson and the State Accident Insurance  
13 Fund Corporation shall have the right, not subject to review, to contract for  
14 the exchange of, or payment for, such services between them as will reduce  
15 the overall cost of administering this chapter.

16 (8) The director shall have lien and enforcement powers regarding as-  
17 sessments to be paid by subject employers in the same manner and to the  
18 same extent as is provided for lien and enforcement of collection of premiums  
19 and assessments by the corporation under ORS 656.552 to 656.566.

20 (9) The director shall have the same powers regarding inspection of books,  
21 records and payrolls of employers as are granted the corporation under ORS  
22 656.758. The director may disclose information obtained from such in-  
23 spections to the Director of the Department of Revenue to the extent the  
24 Director of the Department of Revenue requires such information to deter-  
25 mine that a person complies with the revenue and tax laws of this state and  
26 to the Director of the Employment Department to the extent the Director  
27 of the Employment Department requires such information to determine that  
28 a person complies with ORS chapter 657.

29 (10) The director shall collect hours-worked data information in addition  
30 to total payroll for workers engaged in various jobs in the construction in-  
31 dustry classifications described in the job classification portion of the

1 Workers' Compensation and Employers Liability Manual and the Oregon  
2 Special Rules Section published by the National Council on Compensation  
3 Insurance. The information shall be collected in the form and format neces-  
4 sary for the National Council on Compensation Insurance to analyze pre-  
5 mium equity.

6 **SECTION 60.** ORS 656.797 is amended to read:

7 656.797. On or after October 1, 2004, **prior to providing compensable**  
8 **medical services or authorizing temporary disability benefits**, a nurse  
9 practitioner licensed under ORS 678.375 to 678.390[, *prior to providing*  
10 *compensable medical services or authorizing temporary disability benefits un-*  
11 *der ORS 656.245,*] must certify in a form acceptable to the Director of the  
12 Department of Consumer and Business Services that the nurse practitioner  
13 has reviewed the materials developed under ORS 656.795.

14 **SECTION 61.** ORS 659A.043 is amended to read:

15 659A.043. (1) A worker who has sustained a compensable injury shall be  
16 reinstated by the worker's employer to the worker's former position of em-  
17 ployment upon demand for such reinstatement, if the position exists and is  
18 available and the worker is not disabled from performing the duties of such  
19 position. A worker's former position is available even if that position has  
20 been filled by a replacement while the injured worker was absent. If the  
21 former position is not available, the worker shall be reinstated in any other  
22 existing position that is vacant and suitable. A certificate by the attending  
23 physician, **as defined in ORS 656.005 (12),** [*or a nurse practitioner auth-*  
24 *ored to provide compensable medical services under ORS 656.245*] that the  
25 **attending** physician [*or nurse practitioner*] approves the worker's return to  
26 the worker's regular employment or other suitable employment shall be  
27 *prima facie* evidence that the worker is able to perform such duties.

28 (2) Such right of reemployment shall be subject to the provisions for  
29 seniority rights and other employment restrictions contained in a valid col-  
30 lective bargaining agreement between the employer and a representative of  
31 the employer's employees.

1       (3) Notwithstanding subsection (1) of this section:

2       (a) The right to reinstatement to the worker's former position under this

3       section terminates when whichever of the following events first occurs:

4       [(A) *A medical determination by the attending physician or, after an appeal*

5       *of such determination to a medical arbiter or panel of medical arbiters pursu-*

6       *ant to ORS chapter 656, has been made that the worker cannot return to the*

7       *former position of employment.]*

8       **(A) The worker cannot return to the former position of employment**

9       **according to:**

10       **(i) The medical determination of the attending physician; or**

11       **(ii) Upon appeal of the attending physician's determination, the**

12       **determination of a medical arbiter or panel of medical arbiters pur-**

13       **suant to ORS chapter 656.**

14       (B) The worker is eligible and participates in vocational assistance under

15       ORS 656.340.

16       (C) The worker accepts suitable employment with another employer after

17       becoming medically stationary.

18       (D) The worker refuses a bona fide offer from the employer of light duty

19       or modified employment that is suitable prior to becoming medically sta-

20       tionary.

21       (E) Seven days elapse from the date that the worker is notified by the

22       insurer or self-insured employer by certified mail that the worker's attending

23       physician [*or a nurse practitioner authorized to provide compensable medical*

24       *services under ORS 656.245*] has released the worker for employment unless

25       the worker requests reinstatement within that time period.

26       (F) Three years elapse from the date of injury.

27       (b) The right to reinstatement under this section does not apply to:

28       (A) A worker hired on a temporary basis as a replacement for an injured

29       worker.

30       (B) A seasonal worker employed to perform less than six months' work

31       in a calendar year.

1       (C) A worker whose employment at the time of injury resulted from re-  
2 ferral from a hiring hall operating pursuant to a collective bargaining  
3 agreement.

4       (D) A worker whose employer employs 20 or fewer workers at the time  
5 of the worker's injury and at the time of the worker's demand for rein-  
6 statement.

7       (4) Notwithstanding ORS 659A.165, a worker who refuses an offer of em-  
8 ployment under subsection (3)(a)(D) of this section and who otherwise is en-  
9 titled to family leave under ORS 659A.150 to 659A.186:

10      (a) Automatically commences a period of family leave under ORS 659A.150  
11 to 659A.186 upon refusing the offer of employment; and

12      (b) Need not give additional written or oral notice to the employer that  
13 the employee is commencing a period of family leave.

14      (5) Any violation of this section is an unlawful employment practice.

15      **SECTION 62.** ORS 659A.046 is amended to read:

16      659A.046. (1) A worker who has sustained a compensable injury and is  
17 disabled from performing the duties of the worker's former regular employ-  
18 ment shall, upon demand, be reemployed by the worker's employer at em-  
19 ployment which is available and suitable.

20      (2) A certificate of the worker's attending physician, **as defined in ORS**  
21 **656.005 (12),** *[or a nurse practitioner authorized to provide compensable med-  
22 ical services under ORS 656.245]* that the worker is able to perform described  
23 types of work shall be *prima facie* evidence of such ability.

24      (3) Notwithstanding subsection (1) of this section, the right to reemploy-  
25 ment under this section terminates when whichever of the following events  
26 first occurs:

27      *[(a) The worker cannot return to reemployment at any position with the  
28 employer either by determination of the attending physician or a nurse practi-  
29 tioner authorized to provide compensable medical services under ORS 656.245  
30 or upon appeal of that determination, by determination of a medical arbiter  
31 or panel of medical arbiters pursuant to ORS chapter 656.]*

1       **(a) The worker cannot return to reemployment at any position with**  
2       **the employer according to:**

3           **(A) The determination of the attending physician; or**

4           **(B) Upon appeal of the attending physician's determination, the**  
5       **determination of a medical arbiter or panel of medical arbiters pur-**  
6       **suant to ORS chapter 656.**

7       (b) The worker is eligible and participates in vocational assistance under  
8       ORS 656.340.

9       (c) The worker accepts suitable employment with another employer after  
10      becoming medically stationary.

11      (d) The worker refuses a bona fide offer from the employer of light duty  
12      or modified employment that is suitable prior to becoming medically sta-  
13      tionary.

14      (e) Seven days elapse from the date that the worker is notified by the  
15      insurer or self-insured employer by certified mail that the worker's attending  
16      physician [*or a nurse practitioner authorized to provide compensable medical*  
17      *services under ORS 656.245*] has released the worker for reemployment unless  
18      the worker requests reemployment within that time period.

19      (f) Three years elapse from the date of injury.

20      (4) Such right of reemployment shall be subject to the provisions for  
21      seniority rights and other employment restrictions contained in a valid col-  
22      lective bargaining agreement between the employer and a representative of  
23      the employer's employees.

24      (5) Notwithstanding ORS 659A.165, a worker who refuses an offer of em-  
25      ployment under subsection (3)(d) of this section and who otherwise is entitled  
26      to family leave under ORS 659A.150 to 659A.186:

27       (a) Automatically commences a period of family leave under ORS 659A.150  
28      to 659A.186 upon refusing the offer of employment; and

29       (b) Need not give additional written or oral notice to the employer that  
30      the employee is commencing a period of family leave.

31      (6) Any violation of this section is an unlawful employment practice.

1       (7) This section applies only to employers who employ six or more per-  
2       sons.

3       **SECTION 63.** ORS 659A.049 is amended to read:

4       659A.049. The rights of reinstatement **and reemployment** afforded by  
5       ORS 659A.043 and 659A.046 shall not be forfeited if the worker refuses to  
6       return to the worker's regular or other offered employment without release  
7       to such employment by the worker's attending physician **as defined in ORS**  
8       **656.005 (12)** [*or a nurse practitioner authorized to provide compensable medical*  
9       *services under ORS 656.245*].

10      **SECTION 64.** ORS 659A.063 is amended to read:

11      659A.063. (1) The State of Oregon shall cause group health benefits to  
12       continue in effect with respect to that worker and any covered dependents  
13       or family members by timely payment of the premium that includes the con-  
14       tribution due from the state under the applicable benefit plan, subject to any  
15       premium contribution due from the worker that the worker paid before the  
16       occurrence of the injury or illness. If the premium increases or decreases, the  
17       State of Oregon and worker contributions shall be adjusted to remain con-  
18       sistent with similarly situated active employees. The State of Oregon shall  
19       continue the worker's health benefits in effect until whichever of the fol-  
20       lowing events occurs first:

21      (a) The worker's attending physician **as defined in ORS 656.005 (12)** [*or*  
22       *a nurse practitioner authorized to provide compensable medical services under*  
23       *ORS 656.245*] has determined the worker to be medically stationary and a  
24       notice of closure has been entered;

25      (b) The worker returns to work for the State of Oregon, after a period  
26       of continued coverage under this section, and satisfies any probationary or  
27       minimum work requirement to be eligible for group health benefits;

28      (c) The worker takes full- or part-time employment with another employer  
29       that is comparable in terms of the number of hours per week the worker was  
30       employed with the State of Oregon or the worker retires;

31      (d) Twelve months have elapsed since the date the State of Oregon re-

1 received notice that the worker filed a workers' compensation claim pursuant  
2 to ORS chapter 656;

3 (e) The claim is denied and the claimant fails to appeal within the time  
4 provided by ORS 656.319 or the Workers' Compensation Board or a workers'  
5 compensation hearings referee or a court issues an order finding the claim  
6 is not compensable;

7 (f) The worker does not pay the required premium or portion thereof in  
8 a timely manner in accordance with the terms and conditions under this  
9 section;

10 (g) The worker elects to discontinue coverage under this section and no-  
11 tifies the State of Oregon in writing of this election;

12 (h) The worker's attending physician [*or a nurse practitioner authorized*  
13 *to provide compensable medical services under ORS 656.245*] has released the  
14 worker to modified or regular work, the work has been offered to the worker  
15 and the worker refuses to return to work; or

16 (i) The worker has been terminated from employment for reasons unre-  
17 lated to the workers' compensation claim.

18 (2) If the workers' compensation claim of a worker for whom health ben-  
19 efits are provided pursuant to subsection (1) of this section is denied and the  
20 worker does not appeal or the worker appeals and does not prevail, the State  
21 of Oregon may recover from the worker the amount of the premiums plus  
22 interest at the rate authorized by ORS 82.010. The State of Oregon may re-  
23 cover the payments through a payroll deduction not to exceed 10 percent of  
24 gross pay for each pay period.

25 (3) The State of Oregon shall notify the worker of the provisions of ORS  
26 659A.060 to 659A.069, and of the remedies available for breaches of ORS  
27 659A.060 to 659A.069, within a reasonable time after the State of Oregon re-  
28 ceives notice that the worker will be absent from work as a result of an in-  
29 jury or illness for which a workers' compensation claim has been filed  
30 pursuant to ORS chapter 656. The notice from the State of Oregon shall in-  
31 clude the terms and conditions of the continuation of health benefits and

1 what events will terminate the coverage.

2 (4) If the worker fails to make timely payment of any premium contribu-  
3 tion owing, the State of Oregon shall notify the worker of impending can-  
4 cellation of the health benefits and provide the worker with 30 days to pay  
5 the required premium prior to canceling the policy.

6 (5) It is an unlawful employment practice for the State of Oregon to dis-  
7 criminate against a worker, as defined in ORS 659A.060, by terminating the  
8 worker's group health benefits while that worker is absent from the place  
9 of employment as a result of an injury or illness for which a workers' com-  
10 pensation claim has been filed pursuant to ORS chapter 656, except as pro-  
11 vided for in this section.

12 **SECTION 65.** ORS 657.170 is amended to read:

13 657.170. (1) If the Director of the Employment Department finds that  
14 during the base year of the individual any individual has been incapable of  
15 work during the greater part of any calendar quarter, such base year shall  
16 be extended a calendar quarter. Except as provided in subsection (2) of this  
17 section, no such extension of an individual's base year shall exceed four  
18 calendar quarters.

19 (2) If the director finds that during and prior to the individual's base year  
20 the individual has had a period of temporary total disability caused by ill-  
21 ness or injury and has received compensation under ORS chapter 656 for a  
22 period of temporary total disability during the greater part of any calendar  
23 quarter, the individual's base year shall be extended as many calendar  
24 quarters as necessary to establish a valid claim, up to a maximum of four  
25 calendar quarters prior to the quarter in which the illness or injury oc-  
26 curred, if the individual:

27 (a) Files a claim for benefits not later than the fourth calendar week of  
28 unemployment following whichever is the latest of the following dates:

29 (A) The date the individual is released to return to work by the attending  
30 physician[, as defined in ORS chapter 656, or a nurse practitioner authorized  
31 to provide compensable medical services under ORS 656.245] **as defined in**

1    **ORS 656.005 (12); or**

2 (B) The date of mailing of a notice of claim closure pursuant to ORS  
3 chapter 656; and

4 (b) Files such a claim within the three-year period immediately following  
5 the commencement of such period of illness or injury.

6 (3) Notwithstanding the provisions of this section, benefits payable as a  
7 result of the use of wages paid in a calendar quarter prior to the individual's  
8 current base year shall not exceed one-third of such wages less benefits paid  
9 previously as a result of the use of such wages in computing a previous  
10 benefit determination.

11

## CAPTIONS

13

14 **SECTION 66.** The unit captions used in this 2026 Act are provided  
15 only for the convenience of the reader and do not become part of the  
16 statutory law of this state or express any legislative intent in the  
17 enactment of this 2026 Act.

18

## **EFFECTIVE DATE**

20

21        **SECTION 67.** This 2026 Act being necessary for the immediate  
22 preservation of the public peace, health and safety, an emergency is  
23 declared to exist, and this 2026 Act takes effect on its passage.

24