

Dear Chair Patterson and Members of the Senate Health Care Committee,

My name is Elisabeth Herrera, LPC, NCC, and I am the President of the Coalition of Oregon Professional Associations for Counseling and Therapy (COPACT), an organization that works on behalf of all licensed professional counselors, licensed marriage and family therapists, registered associates, and students in counseling and marriage and family therapy programs. We are a partner of the Oregon Counseling Association (ORCA), and our mission is to advance access to quality mental health care for all Oregonians.

I am writing to express my strong support for Senate Bill 61, which would establish crucial protections for behavioral health providers against unjust and excessive reimbursement recoupment practices administered by the Oregon Health Authority (OHA). The current system of post-payment audits and clawbacks can create significant financial burdens on providers.

Senate Bill 61 provides much-needed clarity and fairness in the audit and recoupment process by ensuring that **if a provider can verify that a patient visit occurred or that a service or item was provided, OHA cannot demand repayment.** This provision acknowledges the realities of behavioral health documentation while maintaining accountability and transparency.

Additionally, SB 61 establishes important protections for providers when minor billing code errors occur. Under the current system, even small, unintentional coding mistakes can result in full recoupments by OHA. By limiting the recoupment to only the difference between the amount paid and the amount that should have been paid under correct coding, SB 61 **ensures that providers are not unduly penalized for administrative errors that do not reflect fraud or misconduct.**

The bill also addresses extrapolation practices, which apply error rates from small audit samples to an entire body of claims, which can lead to disproportionately large and often inaccurate repayment demands. SB 61 requires that before extrapolation is used, a second, larger sample—representing at least 15% of the provider's claims—must confirm a consistent error rate. This change **ensures that audits reflect actual billing practices rather than potentially misleading small-sample findings.**

These protections are particularly vital for behavioral health providers, many of whom operate on tight margins and serve vulnerable populations with limited access to care. Excessive and unpredictable recoupments discourage providers from participating in Medicaid and other public insurance programs. By implementing fair audit and recoupment standards, SB 61 **helps ensure provider stability and, in turn, improves continuity of care for Oregonians seeking mental health support.**

For these reasons, I urge your support of Senate Bill 61 to protect behavioral health providers.

Sincerely,

Elisabeth Herrera, LPC, NCC
President, Coalition of Oregon Professional Associations for Counseling and
Therapy (COPACT)