

OIMHP SUPPORTS

HB 2029



OIMHP is the legislative advocacy committee of WOMHA, a 501(c)(6) non-profit organization of multi-disciplinary mental health providers who provide care to patients throughout Oregon.

OIMHP Supports HB 2029 because currently, insurance companies hold all the power.

The playing field between insurers and behavioral health providers is lopsided. It creates a flimsy foundation for the delivery of behavioral health care.

Insurance companies have a litany of attorneys, claims reviewers, policies and procedures designed to constrain payment to providers. Sole practitioners are the backbone of mental health care and are at the mercy of the insurer for payments. Without an army of medical coders, audit managers, and legal consultants to defend their practices, behavioral health providers themselves are forced to steal time from patient care to address these bureaucratic demands – all in a bid just to keep their doors open.

HB 2029 addresses an emerging problem: our members have experienced noticeable increases in the number of their audits of mental health claims and the size of the required recoupments. These refunds can range from a few thousand dollars up to tens of thousands of dollars for a small practice, many of them being sole practitioners. Our providers do not have the margins or the cash flow to pay back such large amounts.

This proliferation in audits will have negative effects on access to care.

OIMHP Supports HB 2029 because it significantly reforms health insurance audits and recoupments, giving behavioral health providers more rights and insurers more limits. The provisions of the bill are protective against audit practices designed to recoup or deny payments based on "clerical errors" and gives providers the right to correct minor documentation errors. Current Oregon law allows insurers to 'look back' up to 30 months to recoup payments; HB 2029 reduces this window to 12 months, which is consistent with "clawback laws" passed in other states. If and when repayment is due, the bill allows providers the option of a repayment plan over three years; current Oregon law allows insurers to recoup repayments from future payments after 30 days.

Other features of HB 2029 that OIMHP supports include:

- Requires insurers to make available a document containing a detailed written description of all requirements for the successful resolution of a claim that may be audited;
- Forbids an insurer from recouping from a provider a payment on a claim if the insurer has failed to make the document available;
- Disallows the extrapolation of sampling errors to inflate clawbacks; requires clawbacks on a per-claim basis only;
- Creates a timeframe of 180 days to complete an audit of paid claims;
- Creates a timeframe for pre-payment audits of 30 days;
- Disallows recoupments based solely on "clerical errors" and allows providers to correct the error(s) within 30 days;
- Forbids insurers from financially incentivizing employees or third party companies conducting audits to find errors that result in recoupments.

For more information

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