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February 20, 2026

Re: Support for HB 4028

To: The Oregon Senate Committee on Health Care

Dear Chair Patterson, Vice-Chair Hayden, and Members of the Committee,

My name is Melissa Todd and I am a licensed psychologist in Eugene. I am also the president of an independent practice association of 45 behavioral health professionals and a member of the association's legislative advocacy committee, OIMHP. I am emailing to respectfully ask for your support of HB 4028, which we refer to as the *Behavioral Health Protection Bill*.

As a sole practitioner since 2014 who works within insurance networks, I am extremely vulnerable to insurance companies; working within insurance networks is not only stressful, it is a legitimate risk to my livelihood. Years ago, I received a "clawback" notice from an insurer who was requesting that I pay back a large sum of money from a span of several years due to a coordination of benefits issue. It turned out that I did indeed owe them money due to an honest mistake. I contacted the company and asked that I be given time to submit claims to the true primary insurer and receive payment from them to cover the clawback. I was told they would hold off, but that didn't happen and they began recouping payments immediately from claims I was currently submitting for my other patients. **For a long period of time, I received no payments from this insurer while they recouped their clawback without my consent -- in other words, I was providing current services for completely different patients and receiving no pay.** Of course it took a long time for the real primary insurer to verify the new claims and send me payment so I had to figure out how to cover my expenses in the interim. I was incredibly stressed and upset, and I had nowhere to turn to for help. I considered leaving this company's network. I considered leaving all insurance networks.

A major reason why I am an independent practitioner is because I hate being in situations where others have power over me. **This experience left me feeling absolutely powerless because I had no leverage, no recourse, no path to advocate for reasonable treatment by this insurance company.** However, it's an important value for me to provide affordable, accessible care to my community and I knew the only way to do that was to continue working within insurance networks. Instead of leaving the network, I decided to fight back. In the last 10 years, I have given my time, my energy, and my soul to changing the imbalanced, dysfunctional system that allowed this insurer to take money from me without my cooperation or consent.

Current Oregon law allows insurers to "clawback" payments after just 30 days, and they may do so by taking money from subsequent payments for completely different patients without cooperation or consent from the provider. **In contrast, current Oregon law allows insurers six months to pay when they owe providers.** Why has this blatant imbalance never been addressed? The answer is simple – insurers have all the power. And this is only one example of the systemic problems that disproportionately harm independent behavioral health providers and small group practices. When insurers claw back money from an independent provider like me, I have to figure out how I am going to pay my mortgage. That level of risk is unsustainable and I live in daily fear of something like this happening again.

HB 4028 contains a provision to allow behavioral health providers who owe insurers to repay over as long as three years. This provision alone would make a meaningful difference and would create more security for independent practitioners and small practice owners, who assume liability for all of their employees. HB 4028 also gives providers more rights in the auditing process and effectively reduces the audit clawback window to 12 months. Lastly, the bill requires insurers to communicate transparently to providers when they apply a medical management practice and gives state regulators more data on current medical management practices being used in Oregon. If this bill passes, it will significantly and meaningfully reduce the gross imbalances between insurers and independent behavioral health providers. This will allow me and other independent practitioners to continue caring for our communities with less risk and less fear.

The need for HB 4028 is urgent. It is getting harder and harder for behavioral health providers to maintain their independence within this imbalanced system that puts providers at such financial risk. We are increasingly being swept up by corporate entities buying struggling small practices and selling empty promises to the public that they will receive the same quality of care from overworked, underpaid telehealth contractors who will never sit in a room with their patients. I know time is tight in this short session, but this bill is too important not to prioritize. The consequences of delay are serious and detrimental to independent behavioral health providers, small group practices, and Oregonians in need of affordable, accessible care. **Allowing insurers even one more year to continue squeezing behavioral health providers will have devastating and lasting effects that Oregon may never be able to recover from.**

Respectfully, we need your help and we need it right now. Please prioritize HB 4028 to protect Oregon independent behavioral health providers. Protecting us will give more Oregonians access to affordable care from Oregon-based providers who are personally invested in their communities. Thank you for your time and consideration. Please vote to pass HB 4028.

Sincerely,



Melissa Todd, PhD
Licensed Psychologist