

A-Engrossed
Senate Bill 1503

Ordered by the Senate February 3
Including Senate Amendments dated February 3

Printed pursuant to Senate Interim Rule 213.28 by order of the President of the Senate in conformance with pre-session filing rules, indicating neither advocacy nor opposition on the part of the President (at the request of Senate Interim Committee on Health Care)

SUMMARY

The following summary is not prepared by the sponsors of the measure and is not a part of the body thereof subject to consideration by the Legislative Assembly. It is an editor's brief statement of the essential features of the measure.

Repeals sunset on requirement that insurer reimburse licensed physician assistants and certified nurse practitioners for primary care services that are reimbursed by insurer if provided by licensed physician.

Requires Oregon Health Policy Board and Department of Consumer and Business Services to collect data and report on implementation to Legislative Assembly by January 31, 2017.

A BILL FOR AN ACT

1
2 Relating to reimbursement paid to health practitioners; creating new provisions; amending ORS
3 743A.036 and section 2, chapter 430, Oregon Laws 2013; and repealing section 5, chapter 430,
4 Oregon Laws 2013.

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

6 **SECTION 1.** ORS 743A.036, as amended by section 4, chapter 430, Oregon Laws 2013, is
7 amended to read:

8 743A.036. *[(1) Whenever any policy of health insurance provides for reimbursement for any service*
9 *that is within the lawful scope of practice of a duly licensed and certified nurse practitioner, including*
10 *prescribing or dispensing drugs, the insured under the policy is entitled to reimbursement for such*
11 *service whether it is performed by a physician licensed by the Oregon Medical Board or by a duly li-*
12 *icensed nurse practitioner.]*

13 *[(2) This section does not apply to group practice health maintenance organizations that are*
14 *federally qualified pursuant to Title XIII of the Health Maintenance Organization Act.]*

15 **(1) Whenever any policy of health insurance provides for reimbursement for a primary**
16 **care or mental health service provided by a licensed physician, the insured under the policy**
17 **is entitled to reimbursement for such service if provided by a licensed physician assistant**
18 **or a certified nurse practitioner if the service is within the lawful scope of practice of the**
19 **physician assistant or nurse practitioner.**

20 **(2)(a) The reimbursement of a service described in subsection (1) of this section that is**
21 **provided by a licensed physician assistant or a certified nurse practitioner who is in an in-**
22 **dependent practice shall be in the same amount as the reimbursement paid under the policy**
23 **to a licensed physician performing the service in the area served.**

24 **(b) As used in this subsection, "independent practice" means the licensed physician as-**
25 **istant or the certified nurse practitioner bills insurers for services provided by the physician**

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.

1 assistant or nurse practitioner using the:

2 (A) Diagnosis and procedure codes applicable to the services;

3 (B) Physician assistant's or nurse practitioner's own name; and

4 (C) National provider identifier for:

5 (i) The physician assistant or nurse practitioner; and

6 (ii) If required by the insurer, the facility in which the physician assistant or nurse
7 practitioner provides the services.

8 (3) This section does not apply to group practice health maintenance organizations that
9 are federally qualified pursuant to Title XIII of the Health Maintenance Organization Act or
10 other insurers that employ physicians, licensed physician assistants or certified nurse prac-
11 titioners to provide primary care or mental health services and do not compensate such
12 practitioners on a fee-for-service basis.

13 (4) An insurer may not reduce the reimbursement paid to a licensed physician in order
14 to comply with this section.

15 **SECTION 2.** Section 2, chapter 430, Oregon Laws 2013, is amended to read:

16 **Sec. 2.** The amendments to ORS 743A.036 by section 1, [*of this 2013 Act*] **chapter 430, Oregon**
17 **Laws 2013, and by section 1 of this 2016 Act** apply:

18 (1) To services provided under contracts entered into or renewed on or after January 1, 2014,
19 [*and before January 1, 2018,*] by in-network, as defined in ORS [743.871] **743B.280**, physician assist-
20 ants or nurse practitioners.

21 (2) To services provided on or after January 1, 2014, [*and before January 1, 2018,*] by out-of-
22 network, as defined in ORS [743.871] **743B.280**, physician assistants or nurse practitioners.

23 **SECTION 3. The Oregon Health Policy Board and the Department of Consumer and**
24 **Business Services shall collect data from insurers about the implementation of ORS 743A.036**
25 **beginning on January 1, 2014, and report to the Legislative Assembly, in the manner provided**
26 **in ORS 192.245, no later than January 31, 2017:**

27 (1) The number of insurers that changed reimbursement amounts in response to the law;

28 (2) The number of physician assistants and nurse practitioners whose reimbursement
29 rates were increased as a result of the law;

30 (3) The number of physician assistants and nurse practitioners who were in independent
31 practice but denied reimbursement by an insurer's requirement that they bill using a clinic
32 number; and

33 (4) The costs incurred by each insurer to implement the amendments to ORS 743A.036
34 by section 4, chapter 430, Oregon Laws 2013.

35 **SECTION 4.** Section 5, chapter 430, Oregon Laws 2013, is repealed.

36