

# DRAFT

## SUMMARY

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.

### A BILL FOR AN ACT

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

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

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

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

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

**(1) Whenever any policy of health insurance provides for reimbursement for a primary care or mental health service provided by a licensed physician, the insured under the policy is entitled to reimbursement for such service if provided by a licensed physician as-**

1   sistant or a certified nurse practitioner if the service is within the  
2   lawful scope of practice of the physician assistant or nurse practi-  
3   tioner.

4       (2)(a) The reimbursement of a service described in subsection (1)  
5   of this section that is provided by a licensed physician assistant or a  
6   certified nurse practitioner who is in an independent practice shall be  
7   in the same amount as the reimbursement paid under the policy to a  
8   licensed physician performing the service in the area served.

9       (b) As used in this subsection, “independent practice” means the  
10   licensed physician assistant or the certified nurse practitioner bills  
11   insurers for services provided by the physician assistant or nurse  
12   practitioner using the:

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

14       (B) Physician assistant’s or nurse practitioner’s own name; and

15       (C) National provider identifier for:

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

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

19       (3) This section does not apply to group practice health mainte-  
20   nance organizations that are federally qualified pursuant to Title XIII  
21   of the Health Maintenance Organization Act or other insurers that  
22   employ physicians, licensed physician assistants or certified nurse  
23   practitioners to provide primary care or mental health services and  
24   do not compensate such practitioners on a fee-for-service basis.

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

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

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

31       (1) To services provided under contracts entered into or renewed on or

1 after January 1, 2014, [*and before January 1, 2018,*] by in-network, as defined  
2 in ORS [743.871] **743B.280**, physician assistants or nurse practitioners.

3 (2) To services provided on or after January 1, 2014, [*and before January*  
4 *1, 2018,*] by out-of-network, as defined in ORS [743.871] **743B.280**, physician  
5 assistants or nurse practitioners.

6 **SECTION 3. Section 5, chapter 430, Oregon Laws 2013, is repealed.**

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