

HB 2523

SUBJECT: Modifies treatment limits for certain chiropractic physicians and naturopathic physicians who provide medical services to injured workers through managed care organization. Requires managed care organization to allow chiropractic physicians and naturopathic physicians who are members of the managed care organization to serve as attending physician for injured workers for life of claim.

SPONSOR:

Existing Law:

- Allows Managed Care Organizations (MCOs) to:
 - Decide whether panel chiropractic physicians or naturopathic physicians may serve as attending physicians for enrolled workers; and
 - Limit, or extend beyond the limits established in ORS 656.005(12)(b)(B) and 656.245(2)(b)(B), the time panel chiropractic physicians or naturopathic physicians are allowed to serve as attending physicians or authorize temporary disability for enrolled workers.
- Allows an enrolled worker to receive compensable treatment from a chiropractic physician who is not a member of the MCO, but maintains the worker's medical records and is a physician who has a documented history of treatment, if the chiropractic physician agrees to refer the worker to the MCO for any specialized treatment required by another provider, and to comply with rules, terms and conditions concerning services performed by the MCO.
- Allows a chiropractic physician who treats an enrolled worker as a "come along" physician to:
 - Serve as the attending physician as provided in ORS 656.005(12)(b)(B) (60 days or 18 visits from the date of first visit on the initial claim); and
 - Authorize payment of temporary disability compensation as provided in ORS 656.245(2)(b)(B) (30 days from the date of first visit on the initial claim).
- Allows an MCO to extend the time "come along" chiropractic physicians are allowed to serve as attending physicians or authorize payment of temporary disability compensation for enrolled workers beyond the limits established in the law.
- Does not extend "come along" status to a naturopathic physician.

This bill:

- Mandates that MCOs allow panel chiropractic physicians and naturopathic physicians to serve as attending physicians for enrolled workers for the life of the claim.
- Extends "come along" status to naturopathic physicians by allowing workers to receive compensable treatment from a naturopathic physician who is not a member of the MCO, but maintains the worker's medical records and is a physician who has a documented history of treatment, if the naturopathic physician agrees to refer the worker to the MCO

for any specialized treatment required by another provider, and to comply with rules, terms and conditions concerning services performed by the MCO.

- Allows chiropractic physicians or naturopathic physicians who treat enrolled workers as “come along” physicians to serve as attending physicians for a cumulative 60 days or 18 visits, whichever occurs first, from the date of first visit, and authorize the payment of temporary disability compensation for up to 30 days..
- Allows an MCO to extend the time “come along” chiropractic physicians and naturopathic physicians are allowed to serve as attending physicians beyond the 60 days/18 visits limits, and extend the time to authorize the payment of temporary disability payments beyond the 30 days limit.

Analysis:

1. Current law does not set minimum periods an MCO has to allow panel chiropractic physicians or naturopathic physicians to serve as attending physicians or for how long they may authorize payment of temporary disability payments. This bill requires that MCOs grant panel chiropractic physicians or naturopathic physicians attending physician status for the life of an enrolled worker’s claim.
2. Under current law, a worker, upon enrollment in an MCO, is allowed to continue to treat with certain providers (primary care physicians, chiropractic physicians and authorized nurse practitioners) who are not panel providers, if they maintain the worker’s medical records, the worker has a documented history of treatment, and the provider agrees to comply with all the rules, terms, and conditions regarding services performed by the MCO. These providers are commonly known as “come along” providers. This bill adds naturopathic physicians to the type of providers who may qualify as “come along” physicians.
3. The amount of time chiropractic physicians who treat enrolled workers as “come along” physicians may treat is listed in ORS 656.005(12)(b)(B), which currently is 60 days or 18 visits from the first visit on the initial claim. This bill removes the reference to ORS 656.005(12)(b)(B) and states that “come along” chiropractic physicians and naturopathic physicians may treat an enrolled worker for 60 days or 18 visits. This means future changes in general treatment time frames under ORS 656.005(12)(b)(B) would not be changed for “come along” chiropractic physicians and naturopathic physicians.
4. Under current law, chiropractic physicians who treat enrolled workers as “come along” physicians may authorize the payment of temporary disability compensation for a period specified in ORS 656.245(2)(b), which currently is 30 days. This bill removes the reference to ORS 656.245(2)(b) and states that chiropractic physicians and naturopathic physicians may authorize the payment of temporary disability compensation for up to 30 days. That means any future changes in ORS 656.245(2)(b) would not also be changed for “come along” chiropractic physicians and naturopathic physicians.
5. Under current law, MCOs may extend the time limits established in ORS 656.005(12)(b)(B) and 656.245(2)(b) during which “come along” chiropractic physicians may treat enrolled workers or authorize temporary disability compensation. This bill allows MCOs to extend the periods beyond the limits established in ORS 656.005(12)(b)(B) and 656.245(2)(b) during

which naturopathic physicians may treat enrolled workers or authorize temporary disability compensation as a “come along” physicians.

Questions and/or suggested amendments:

1. Chiropractic physicians and naturopathic physicians who serve as attending physicians may not necessarily be able to authorize the payment of temporary disability compensation because they may serve as attending physicians for 60 days, but are only allowed to authorize the payment of temporary disability compensation for 30 days. This bill mandates that MCOs must allow panel chiropractic physicians and naturopathic physicians to serve as enrolled workers’ attending physician for the life of the claim. However, the bill is silent about whether they can authorize the payment of temporary disability compensation. It is not clear whether MCOs also must allow chiropractic physicians and naturopathic physicians to authorize the payment of temporary disability compensation for the life of the claim or if it is at the discretion of the MCOs.
2. It is not clear why the bill removes the indexing of treatment authority (under ORS 656.005(12)(b)(B) and 656.245(2)(b) in (4)(g)(C)) and directly states the limits for “come along” physicians in MCOs.
3. The bill does not specify whether chiropractic physicians and naturopathic physicians may serve as “come along” physicians on the initial claim only, or any time during the life of the claim.

Fiscal Impact to DCBS: None anticipated.

Other Economic Impact: None anticipated

Support: Vern Saboe, DC

Opposition: Unknown

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