



Oregon

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INDUSTRY NOTICE

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To: Workers' compensation claims processors, managed care organizations, and attorneys

Subject: Continuation of benefits for 14 days after enrollment in a managed care organization

Effective April 1, 2019, Oregon Administrative Rules (OAR) chapter 436 division 015 is being amended. Workers enrolled in a managed care organization (MCO) will have 14 days, instead of seven days, to get an MCO panel provider when a change of providers is required.

OAR 436-015-0030(5)(j) will provide: "The [MCO] plan must provide a description of the times, places and manner of providing services adequate to ensure that workers governed by the MCO will be able to: ... [r]emain eligible to receive authorized temporary disability benefits up to 14 days after the mailing date of a notice enrolling the worker's claim in an MCO under OAR 436-010-0270(4)(d)."

Before April 1, 2019, MCOs must file an amendment to their certified plan providing that a worker is allowed 14 days to get a panel provider as an attending physician in those situations when a change of providers is necessary.

ORS 656.262(4)(i) provides: "The insurer or self-insured employer may unilaterally suspend payment of all compensation to a worker enrolled in a managed care organization if the worker continues to seek care from an attending physician or nurse practitioner authorized to provide compensable medical services under ORS 656.245 that is not authorized by the managed care organization more than seven days after the mailing of notice by the insurer or self-insured employer."

By including a specific provision in the MCO certified plans authorizing treatment and time-loss verification by nonpanel providers through the new 14-day period, the amended rule will remain consistent with ORS 656.262(4)(i), as the extended post-enrollment period will be authorized according to the terms and conditions of the respective MCO certified plans. *Enrollment notices issued on and after April 1, 2019, that include a reference to the worker having seven days to change to an MCO provider will be expected to state that the worker has 14 days instead.*

OAR 436-015-0037(3)(e)(A) is also being amended to extend the continuity of care provisions in MCO-insurer contracts to 14 days. MCOs may gradually submit amendments to existing contracts to modify the seven-day provision to 14 days; however, any new contracts with an effective date on or after April 1, 2019, will have to contain the new 14-day provision. *The division expects the MCOs to amend all existing MCO-insurer contracts to include the new 14-day provision no later than April 1, 2020.*

Louis Savage, Administrator
Workers' Compensation Division

Distribution: GovDelivery (claims processors, managed care organizations and attorneys)