



Oregon

John A. Kitzhaber, MD, Governor

Department of Consumer and Business Services
Workers' Compensation Division
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Industry Notice

TO: Oregon employers, insurers, self-insured employers, service companies, health care providers, and other interested parties

SUBJECT: Directing or managing care: House Bill 2093, Workers' right to choose health care provider

Under Oregon law, no one may require a worker injured on the job to obtain treatment from a specific provider or type of provider. The law limits the length of time some health care providers may treat injured workers, or if they can authorize time off work. In Oregon, only a certified managed care organization (MCO) may restrict the choice of a health care provider or medical service provider, in addition to imposing specific treatment guidelines, protocols, or standards. Even within the MCO, the worker is free to choose his or her provider from a list of health care providers who are members of the certified MCO's panel. An employer whose workers' compensation claims are covered by an MCO is not permitted to direct an injured worker to a particular health care provider.

House Bill 2093 goes into effect on Jan. 1, 2012. The law prohibits an employer, insurer, service company, or any of its agents from engaging in any of the following activities, specifying that only a certified MCO may:

- 1) Restrict a worker's choice of health care or medical service provider
- 2) Restrict a worker's access to any category of medical service providers
- 3) Restrict a medical service provider's ability to refer a worker to another provider
- 4) Require preauthorization or precertification to determine the necessity of medical services or treatment
- 5) Restrict treatment provided to a worker by a medical service provider to specific treatment guidelines, protocols, or standards

House Bill 2093 expressly allows referral from one medical provider to another, use of an on-site medical service facility by the employer to assess the nature or extent of a worker's injury, and treatment provided by a medical service provider or transportation of a worker in an emergency or trauma situation.

The director of the Department of Consumer and Business Services may impose civil penalties if a person has engaged in the prohibited conduct. If a violation is repeated or willful, the director has the authority to issue a cease-and-desist order, prohibiting the person committing the violation from "making any future communication with injured workers or medical service providers or from taking any other actions that directly or indirectly affect the delivery of medical services provided under [the Oregon Workers' Compensation Law]."

If you have questions about this notice, contact the Workers' Compensation Division Medical Section at 503-947-7606 or e-mail wcd.medicalquestions@dcbs.oregon.gov. [Email domain name revised 1/4/23.]

John L. Shilts, WCD Administrator
Workers' Compensation Division