

**BEFORE THE DIRECTOR OF THE  
DEPARTMENT OF CONSUMER AND BUSINESS SERVICES  
OF THE STATE OF OREGON**

**PUBLIC RULEMAKING HEARING**

In the Matter of the Amendment of OAR: 436-009, Oregon Medical Fee and Payment 436-010, Medical Services 436-015, Managed Care Organizations	) ) ) ) )	TRANSCRIPT OF TESTIMONY
---	-----------------------	----------------------------

The proposed amendment to the rules was announced in the Secretary of State’s Oregon Bulletin dated Feb. 3, 2025. On Feb. 19, 2025, a public rulemaking hearing was held as announced at 2 p.m. in Room F and via teleconference from the Labor & Industries Building, 350 Winter Street NE, Salem, Oregon. Marie Rogers from the Workers’ Compensation Division, was the hearing officer. The record will be held open for written comment through Feb. 26, 2025.

**INDEX OF WITNESSES**

<b>Witnesses</b>	<b>Page</b>
Keith Semple, Esq., Oregon Trial Lawyers Association .....	2

**TRANSCRIPT OF PROCEEDINGS**

Marie Rogers:

Good afternoon and welcome. This is a public rulemaking hearing. My name is Marie Rogers, and I’ll be the presiding officer for the hearing.

The time is now 2:02 p.m. on Wednesday, Feb. 19, 2025. We are conducting this hearing from Conference Room F in the Labor & Industries Building in Salem, Oregon. However, we are also doing so virtually, by video and telephone conferencing. We are making an audio recording of the hearing and a video recording.

The Workers’ Compensation Division of the Department of Consumer and Business Services proposes to amend chapter 436 of the Oregon Administrative Rules, specifically:

- OAR 436-009, Oregon Medical Fee and Payment,
- OAR 436-010, Medical Services, and
- OAR 436-015, Managed Care Organizations.

The department has: summarized the proposed rule changes and prepared estimates of fiscal and economic impacts in the notice of proposed rulemaking filed with the Oregon Secretary of State; published rulemaking notice to its postal and electronic mailing lists;

notified Oregon legislators as required by ORS chapter 183; and posted public notice and the proposed rules to its website. I'll add that we also have some testimony posted to our website, so I would encourage anyone who is interested to go and have a look at that.

The Oregon Secretary of State published the hearing notice in its *Oregon Bulletin* dated Feb. 3, 2025.

This hearing gives the public the opportunity to provide comment about the proposed rules. In addition, the division will accept written comment through and including Feb. 26, 2025, and will make no decisions until all of the testimony is considered.

We are ready to receive public testimony.

There are several people here in the room today. Would anyone in the room like to testify today? Hearing no one in the room. Would anyone on the call like to testify at this time?

Keith Semple, joining remotely, would like to testify. Please go ahead, Keith.

Keith Semple, Esq.:

Hi. This is Keith Semple with Oregon Trial Lawyers Association. There are just a couple concerns that we want to make sure are considered in terms of the interpreters. If doctor's staff are being used for interpreting, they need to be compensated for their time. So, there needs to be some mechanism to make sure that is accounted for and to make sure they have reimbursement for that in some fashion. Those people don't get to do their regular work, and can't do their regular work when they're doubling as an interpreter.

In the "oh one oh" (010) rules, it's good to have communication by email. That might make things better for all involved. But, we want to make sure those emails are HIPAA-compliant and secure and the best practices are used if private information is being transmitted.

And then, for the MCO rules, we were a little bit concerned about including a 60-day limit on complaints to the MCO that the MCO can't resolve. There are some deadlines for medical review issues, but I'm not sure there are deadlines for the general dissatisfaction with the MCO; we're not sure that's supported by statute.

Those were the comments our members had.

Marie Rogers:

OK. Thank you, Keith. Is there anyone else on the call wishing to provide testimony? Hearing no one, in a moment I will recess the hearing, but we will resume for additional testimony if anyone wishes to testify before 3 p.m.

Transcript of public rulemaking hearing  
Feb. 19, 2025

Again, the record remains open for written testimony through and including next Wednesday, Feb. 26. You may submit testimony in any written form. I encourage you to submit your testimony by email or as attachments to email to [wcd.policy@dcbs.oregon.gov](mailto:wcd.policy@dcbs.oregon.gov). However, you may also use US mail. I will acknowledge all testimony received.

This hearing is recessed at 2:07 p.m.

Okay, I'm going to resume the hearing. It is currently 2:55 p.m. Is there anyone on the call who would like to testify at this time? Hearing no one, I'm going to close the hearing. The time is 2:56 p.m.

Thank you for coming. This hearing is adjourned. Have a wonderful day.

Transcribed from a digital audio recording by Marie Rogers, Feb. 19, 2025.