

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

**PUBLIC RULEMAKING HEARING**

<p>In the Matter of the Amendment of OAR:</p> <ul style="list-style-type: none"> <li>• 436-009, Oregon Medical Fee and Payment; and</li> <li>• 436-010, Medical Services.</li> </ul>	<p>) ) ) ) ) )</p>	<p>TRANSCRIPT OF TESTIMONY</p>
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The proposed amendment to the rules was announced in the Secretary of State’s Oregon Bulletin dated Feb. 1, 2022. On Feb. 15, 2022, a public rulemaking hearing was held as announced at 9 a.m. via video and telephone conference. Fred Bruyns, from the Workers’ Compensation Division, was the hearing officer. The record will be held open for written comment through Feb. 21, 2022.

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**TRANSCRIPT OF PROCEEDINGS**

Good morning and welcome. This is a public rulemaking hearing. My name is Fred Bruyns, and I’ll be the presiding officer for the hearing.

Time is now 9:02 a.m. on Tuesday, Feb. 15, 2022. We are conducting this hearing from the Labor & Industries Building in Salem Oregon. However, we are doing so virtually, by video and telephone conferencing. We are making a digital recording of the hearing.

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; and
- OAR 436-010, Medical Services.

The department has: summarized the proposed rule changes and prepared an estimate of fiscal and economic impacts in the notice of proposed rulemaking filed with the Oregon Secretary of State on Jan. 12, 2022; distributed the 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.

The Oregon Secretary of State published the hearing notice in its *Oregon Bulletin* dated Feb. 1, 2022.

Transcript of public rulemaking hearing  
Feb. 15, 2022

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. 21, 2022, and will make no decisions until all of the testimony is considered. Some written testimony is posted to the Workers' Compensation Division's website. Exhibit 1 is testimony from Physician Assistant Ben Johnson about requiring MCOs to have physician assistants on their panels, and Exhibit 2 is testimony from Juerg Kunz of the Workers' Compensation Division requesting the adoption of new SARS-CoV-2-related CPT® codes recently published by the American Medical Association.

We are ready to receive public testimony. Is there anyone connected with us this morning who would like to testify at this time?

Hearing no one, in a moment I will recess the hearing, but we will resume for additional testimony if anyone wishes to testify before 10 a.m., if anyone arrives after the fact, or anyone is welcome to change their mind.

Again, the record remains open for written testimony through and including Feb. 21, 2022. You may submit testimony in any written form. I encourage you to submit your testimony by email or as attachments to email. However, you may also use US mail. I will acknowledge all testimony received.

This hearing is recessed at 9:05 a.m.

Okay, this hearing is resumed at 9:59 a.m.

Is there anyone with us who would like to testify at this time?

Hearing no one, the time is 10 a.m.

Thank you for coming. This hearing is adjourned.

Transcribed from a digital audio recording by Fred Bruyns, Feb. 16, 2022.