

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

In the Matter of the Amendment of: )  
OAR 436-009, Oregon Medical Fee and Payment ) SUMMARY OF  
 ) TESTIMONY AND  
 ) AGENCY RESPONSES

This document summarizes the significant data, views, and arguments contained in the hearing record. The purpose of this summary is to create a record of the agency’s conclusions about the major issues raised. Exact copies of the written testimony are attached to this summary.

The proposed amendment to the rules was announced in the Secretary of State’s *Oregon Bulletin* dated February 2020. On Feb. 18, 2020, a public rulemaking hearing was held as announced at 9 a.m. in Room B of the Labor & Industries Building, 350 Winter Street NE, Salem, Oregon. Fred Bruyns, from the Workers’ Compensation Division, was the hearing officer. The record was held open for written comment through Feb. 21, 2020.

**Testimony list:**

<b>Exhibit</b>	<b>Testifying</b>
<a href="#"><u>1</u></a>	Greg Gilbert, Chief of Reimbursement and Government Relations, Concentra
<a href="#"><u>2</u></a>	Hearing transcript: Lisa Anne Bickford, Director, Government Relations, Coventry

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**Testimony: OAR 436-009-0012** *Exhibit 1*  
“Concentra supports of all proposed changes and appreciate the transparent rule making process, including the multiple stakeholder meetings held on the proposed Telemedicine rules. We believe these proposed rules will facilitate timely and appropriate identification, billing and reimbursement for these services.”

**Response:** Thank you for your testimony.

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**Testimony: OAR 436-009-0012** *Exhibit 2*  
“... This is Lisa Anne Bickford with Coventry, and my remarks will be very brief this morning. I just wanted to thank the division for the wonderful stakeholder input opportunities and the interactive discussions that the state has had and encouraged with all the various stakeholders with respect to the proposed telemedicine rules. Coventry appreciates that the division is recognizing this emerging technology has the ability to assist injured workers in Oregon, and I would just like to offer our support on behalf of Coventry for this proposal of the additional telemedicine rules as proposed in the draft...”

**Response:** Thank you for your testimony.

**Dated this 24<sup>th</sup> day of February, 2020.**

January 24, 2020

Workers' Compensation Division  
ATTN: Fred Bruyns  
350 Winter Street NE  
Salem, OR 97309-0405

RE: Public Comment on Proposed Rules  
OAR 436-009

Mr. Bruyns,

We would like to thank the Workers' Compensation Division for allowing us to participate in this process and for the opportunity to provide our comments with respect these proposed rule changes.

Concentra supports of all proposed changes and appreciate the transparent rule making process, including the multiple stakeholder meetings held on the proposed Telemedicine rules. We believe these proposed rules will facilitate timely and appropriate identification, billing and reimbursement for these services.

Respectfully,

A handwritten signature in black ink, appearing to read "G. M. Gilbert", with a stylized flourish at the end.

Greg M. Gilbert  
Chief of Reimbursement and Government Relations

**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:	)	TRANSCRIPT OF TESTIMONY
436-001, Procedural Rules, Attorney Fees, and	)	
General Provisions,	)	
436-009, Oregon Medical Fee and Payment, and	)	
436-060, Claims Administration	)	

The proposed amendment to the rules was announced in the Secretary of State’s Oregon Bulletin dated February 2020. On Feb. 18, 2020, a public rulemaking hearing was held as announced at 9 a.m., in Room B of the Labor & Industries Building, 350 Winter Street NE, Salem, Oregon. Fred Bruyns from the Workers’ Compensation Division was the hearing officer. The record will be held open for written comment through Feb. 21, 2019.

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**TRANSCRIPT OF PROCEEDINGS**

Fred Bruyns:

So, 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. The time is 9 a.m. on Tuesday, February 18, 2020. We are in Room B of the Labor & Industries Building, 350 Winter St. NE, in Salem, Oregon.

We are making an audio recording of today’s hearing.

If you wish to present oral testimony today, please sign in on the “Testimony Sign-In Sheet” on the table by the entrance. If you plan to testify over the telephone, I will sign-in for you.

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

- Division 001, Procedural Rules, Attorney Fees, and General Provisions,
- Division 009, Oregon Medical Fee and Payment Rules, and
- Division 060, Claims Administration.

Transcript of public rulemaking hearing  
Feb. 18, 2020

The department has summarized the proposed rule changes and prepared estimates of fiscal and economic impacts in the notices of proposed rulemaking. These notices and proposed rules with marked changes are on the table by the entrance.

The Workers' Compensation Division: Filed the notices of proposed rulemaking with the Oregon Secretary of State on Jan. 22 and 24, 2020; mailed the notices 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 notices in its Oregon Bulletin dated February 2020.

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, 2020, and will make no decisions until all of the testimony is considered.

We are ready to receive testimony. Would someone in the back of the room check to see – the last I checked there was no one signed up. Someone might have signed in for testimony. [No one signed the roster to testify.]

Okay. I know that on the telephone there is someone who is waiting to provide testimony for us, and I have already signed you in. Lisa Anne, could you go ahead and provide your testimony now?

Lisa Anne Bickford:

Absolutely. Good morning. This is Lisa Anne Bickford with Coventry, and my remarks will be very brief this morning. I just wanted to thank the division for the wonderful stakeholder input opportunities and the interactive discussions that the state has had and encouraged with all the various stakeholders with respect to the proposed telemedicine rules. Coventry appreciates that the division is recognizing this emerging technology has the ability to assist injured workers in Oregon, and I would just like to offer our support on behalf of Coventry for this proposal of the additional telemedicine rules as proposed in the draft. Thank you.

Fred Bruyns:

Thank you Lisa Anne. We were having some difficulty with the audio. However, I could understand all of your testimony, and I will commit it to a transcript, which should be available later today and posted to our website. So, for the quality of the audio I apologize. I'm not sure what gave rise to that, but again, I understood it all we will commit it to a transcript shortly. So, thank you very much for your testimony.

Lisa Anne:

Great – thank you.

Transcript of public rulemaking hearing  
Feb. 18, 2020

Fred Bruyns:

Is there anyone else on the telephone who would like to testify this morning? Is there anyone here present who would like to testify this morning? [No response.]

It is our policy to remain available for testimony for a minimum of one-half hour. With our new training calendar system we have to provide both a start time and an end time, so this one says that the end time is 10 a.m.. So, I will remain here until 10 a.m. You are all welcome to remain if you would like, however, you're not required to and, again, a transcript of today's proceedings will be available, probably by the end of the day on our website.

So, I want to thank you all for joining us, and I want to remind you again the record remains open for written testimony through and including Feb. 21, 2020. 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 fax, USPS mail, courier, or you may hand deliver testimony to the Workers' Compensation Division Central Reception on the second floor of this building. On the table by the entrance are business cards that include my contact information. I will acknowledge all testimony received.

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

This hearing is resumed at: 9:31 a.m.

Is there anyone here who would like to testify or anyone on the telephone who would like to testify?

Hearing no one, this hearing is closed – adjourned. The time now is still 9:31.

Thank you for coming!

Transcribed from a digital audio recording by Fred Bruyns, Feb. 18, 2020.