

**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)))	TRANSCRIPT OF TESTIMONY
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The proposed amendment to the rules was announced in the Secretary of State’s Oregon Bulletin dated July 1, 2020. On July 22, 2020, a public rulemaking hearing was held as announced at 2 p.m. by telephone. Fred Bruyns, from the Workers’ Compensation Division, acted as hearing officer. The record will be held open for written comment through July 28, 2020.

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TRANSCRIPT OF PROCEEDINGS

Fred Bruyns:

Good afternoon 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 2 PM on Wednesday July 22, 2020. We are conducting this telephone hearing from the Labor & Industries Building, 350 Winter St. NE, in Salem, Oregon.

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

The Department of Consumer and Business Services, Workers’ Compensation Division proposes to amend chapter 436 of the Oregon Administrative Rules, specifically division 9, Oregon Medical Fee and Payment Rules. The department has summarized the proposed rule changes and prepared an estimate of fiscal and economic impacts in the notice of proposed rulemaking. This notice and proposed rules with marked changes are available on the division's website. Written testimony has also been posted.

The Workers’ Compensation Division: Filed the notice of proposed rulemaking with the Oregon Secretary of State on June 17, 2020; mailed 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 July 1, 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 July 28, 2020, and will make no decisions until all of the testimony is considered.

We are ready to receive your testimony. Before you testify, I will record your name, and your organization, if any, and I will add you to our testimony sign-in sheet. I already have Lisa Anne signed up, so Lisa Anne, would you go ahead and provide any testimony that you would like to?

Lisa Anne Bickford:

Absolutely. This is Lisa Anne Bickford, with Coventry. I just would like to offer Coventry's support for the division's proposed changes as listed in the draft. We feel that they are helpful in clarifying the rules, and we appreciate the division's inclusion of other services beyond those listed in Appendix P, and deferring to medical providers' judgment for what is deemed to be the appropriate services. And, appreciate the division's language on just referring generally to appropriateness and the form of communication being appropriate; we appreciate that inclusion in the rule. Also, the place of service code "02" and modifier "95" amendments – we are also in support of. So we just wanted to testify today in support of the division's proposal.

Fred Bruyns:

Okay. Thank you Lisa Anne. Is there anyone else who would like to testify this afternoon?

Greg Gilbert:

Hey Fred. It's Greg Gilbert with Concentra.

Fred Bruyns:

Oh, welcome Greg. Go ahead.

Greg Gilbert:

Really echoing Lisa's comments. We are in support of the changes. I think it was well developed and thought out, taking into account the previous meetings that we had on this topic with the public input and so we appreciate the work done here and support all the changes.

Fred Bruyns:

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Okay, Thank you Greg. Is there anyone else on the line who would like to testify? For the record, no additional people wish to testify at this time.

It is our policy to leave hearings open for a minimum of one-half hour. In a moment I will recess the hearing, and we will resume for additional testimony, if there is any.

Again, the record remains open for written testimony through and including July 28, 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 or USPS mail. The notice of proposed rulemaking includes my contact information. I will acknowledge all testimony received.

This hearing is recessed at 2:05 p.m.

This hearing is resumed at 2:30 p.m.

Is there anyone else on the phone who would like to testify with us this afternoon? Okay, hearing no one, the time is 2:31 p.m., and thank you for attending. This hearing is adjourned.

Transcribed from a digital audio recording by Fred Bruyns, July 22, 2020.