

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

In the Matter of the Amendment of:)
OAR-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.

The proposed amendment to the rules was announced in the Secretary of State’s *Oregon Bulletin* dated August, 2020. On Aug. 17, 2020, a public rulemaking hearing was held as announced at 2 p.m. by telephone. Fred Bruyns, from the Workers’ Compensation Division, was the hearing officer. The record was held open for written comment through Aug. 21, 2020.

The hearing officer read some testimony from the Workers’ Compensation Division into the record. Otherwise, no one testified at the hearing. The written and oral testimony are summarized below.

Testimony list:

Exhibit	Testifying
<u>1</u>	Juerg Kunz, Workers’ Compensation Division
<u>2</u>	Rulemaking hearing transcript – testimony from Juerg Kunz read into the record

Testimony: OAR 436-009-0004(3)

Exhibits 1 and 2

“The American Medical Association (AMA) has created two new CPT® (86408 and 86409) and two new PLA (0225U and 0226U) codes.

“WCD recommends that these new codes be adopted through OAR 436-009-0004(3), effective September 21, 2020.

“Additionally, WCD recommends that CPT® codes 86408 and 86409 are listed in Appendix B with a payment amount of 80% of billed, effective September 21, 2020.”

Response: WCD added the four new codes to OAR 436-009-0004(3) and included CPT® codes 86408 and 86409 in Appendix B with a payment amount of 80% of billed.

Dated this 28th day of August, 2020.



MEMORANDUM

August 17, 2020

To: Fred Bruyns
From: Juerg Kunz
Subject: New Covid-19 testing codes

The American Medical Association (AMA) has created two new CPT[®] (86408 and 86409) and two new PLA (0225U and 0226U) codes.

WCD recommends that these new codes be adopted through OAR 436-009-0004(3), effective September 21, 2020.

Additionally, WCD recommends that CPT[®] codes 86408 and 86409 are listed in Appendix B with a payment amount of 80% of billed, effective September 21, 2020.

Juerg Kunz
Medical Policy Analyst

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

Exhibit
"2"

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 August 2020. On Aug. 17, 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 Aug. 21, 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 now 2 PM on Monday, Aug. 17, 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.

The Workers’ Compensation Division: Filed the notice of proposed rulemaking with the Oregon Secretary of State on July 10, 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 for August of 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 Aug. 21, 2020, and will make no decisions until all of the testimony is considered.

Transcript of public rulemaking hearing
Aug. 17, 2020

Juerg Kunz of the Workers' Compensation Division submitted testimony dated today, Aug. 17, 2020, with the subject: "New Covid-19 testing codes." This testimony has been posted as Exhibit 1 to the division's website. I will read this testimony into the record: "The American Medical Association (AMA) has created two new CPT® (86408 and 86409) and two new PLA (0225U and 0226U) codes. | WCD recommends that these new codes be adopted through OAR 436-009-0004(3), effective September 21, 2020. | Additionally, WCD recommends that CPT® codes 86408 and 86409 are listed in Appendix B with a payment amount of 80% of billed, effective September 21, 2020." Close quotes.

We are now 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.

Does anyone wish to testify at this time?

Hearing no one, for the record, no additional people or no people wish to testify at this time.

It is our policy to leave hearings open for a minimum of one-half hour. I will actually be here for a full hour, because our events calendar says that that's the case. So, in a moment I will recess the hearing, and we will resume for additional testimony, if there is any, if anyone arrives.

Again, the record remains open for written testimony through and including Aug. 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 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 PM.

This hearing is resumed at 2:55 PM.

Is there anyone on the line who would like to testify? Hearing no one, the time is now 2:56 PM. Thank you for attending! This hearing is adjourned.

Transcribed from a digital audio recording by Fred Bruyns, Aug. 17, 2020.