

Senate Bill 836

Sponsored by Senator WALKER

SUMMARY

The following summary is not prepared by the sponsors of the measure and is not a part of the body thereof subject to consideration by the Legislative Assembly. It is an editor's brief statement of the essential features of the measure **as introduced**.

Requires Director of Department of Consumer and Business Services to adopt by rule standards of conduct for providers of independent medical examinations in workers' compensation claims if appropriate health professional regulatory board does not adopt standards.

A BILL FOR AN ACT

1
2 Relating to standards of conduct for providers of independent medical examinations in workers'
3 compensation claims; amending ORS 656.328.

4 **Be It Enacted by the People of the State of Oregon:**

5 **SECTION 1.** ORS 656.328 is amended to read:

6 656.328. (1) The Director of the Department of Consumer and Business Services shall maintain
7 a list of providers that are authorized to perform independent medical examinations.

8 (2) A provider on the list maintained by the director under subsection (1) of this section may
9 be excluded from the list by the director after a finding of a violation of standards of professional
10 conduct for conducting independent medical examinations adopted by the appropriate health pro-
11 fessional regulatory board. **The director shall adopt by rule standards of professional conduct**
12 **for providers performing independent medical examinations** if [*a*] **the appropriate** health pro-
13 fessional regulatory board has not adopted standards pertaining to independent medical
14 examinations[.]. **The rules adopted by the director under this subsection shall be consistent**
15 **with** the guidelines of conduct published by the American Board of Independent Medical Examiners
16 in effect on January 1, 2006[, *shall apply as standards pertaining to providers conducting independent*
17 *medical examinations that are licensed by that board*]. The decision of the director to exclude a pro-
18 vider from the list maintained under subsection (1) of this section is subject to review under ORS
19 656.704.

20 (3) The director, in consultation with the advisory committee on medical care of the Workers'
21 Compensation Division of the Department of Consumer and Business Services, the Workers' Com-
22 pensation Management-Labor Advisory Committee and affected interest groups shall develop, and
23 the director shall adopt by rule:

24 (a) Professional licensing training requirements and educational materials for physicians partic-
25 ipating in the workers' compensation system and conducting independent medical examinations re-
26 quired under ORS 656.325 (1); and

27 (b) A process for investigating and reviewing complaints about independent medical examina-
28 tions conducted under the requirements of ORS 656.325 (1) that includes, but is not limited to,
29 standards for referring complaints to the appropriate health professional regulatory board and an
30 appeals process for a physician who disagrees with an action taken by the director under subsection
31 (2) of this section.

NOTE: Matter in **boldfaced** type in an amended section is new; matter [*italic and bracketed*] is existing law to be omitted.
New sections are in **boldfaced** type.

