

Submitter: Elizabeth Hartshorn
On Behalf Of:
Committee: House Committee On Behavioral Health and Health Care
Measure, Appointment or Topic: HB2029

Dear Chair Nosse and Members of the Committee,

I am a therapist, C2107 practicing in WestLinn, Oregon, and a member of the Western Oregon Mental Health Alliance (WOMHA). I am writing in support of HB 2029 because health insurance audits and clawbacks place significant burden on behavioral health providers, which creates downstream negative effects on Oregonians who need behavioral health care. Current Oregon law allows insurers too much leeway and significantly disadvantages solo behavioral health providers and small practices. HB 2029 makes sensible reforms to the law that will support behavioral health providers who want to take insurance and increase access to behavioral health care for all Oregonians. Please vote to move HB 2029 forward.

Insurance companies such as Regence BCBS, Providence Health Plans and United Healthcare have caused damage to my financial stability as a sole proprietor. Inaccurate payments and then a year later demanding money back. This requires expensive auditing, accounting and time away from serving Oregon residents. They attempt to clawback money without proof. When I request they provide data to show the discrepancy, they refuse and then threaten collections. I have cancelled my role as a Provider with Regence in 2021 and they continue to deceive the public by advertising that I am a provider when I am not.

Why OIMHP is supporting this bill:

This bill significantly reforms health insurance audits and recoupments (aka, clawbacks), giving behavioral health providers more rights and insurers more limits. The provisions of the bill are protective against predatory audit practices designed to recoup or deny payments based on "clerical errors" and gives providers the right to correct minor documentation errors. Current Oregon law allow insurer to recoup payments up to 36 months; HB 2029 reduces this window to 12 months, which is consistent with "clawback laws" passed in other states. When repayment is due, the bill allows providers the option of a repayment plan over three years; current Oregon law allows insurers to recoup repayments from future payments after 30 days.

The bill is a reintroduction of HB 2455, which we also supported in 2023 when it unfortunately failed largely due to the Republican legislator walk-outs. It is complementary to HB 3725, OIMHP's Transparency & Fairness Bill, but is focused on the single issue of audit reform whereas our bill strengthens mental health parity

more broadly. If this bill passes, it will create significant protections for behavioral health providers who take insurance and our clients.

What the bill does for commercial plans:

Requires insurers to make available a document containing a detailed written description of all requirements for the successful resolution of a claim that may be audited.

Forbids an insurer from recouping from a provider a payment on a claim if the insurer has failed to make the document available.

Reduces the recoupment window from 36 months to 12 months.

Creates a timeframe of 180 days to complete an audit of paid claims.

Creates a timeframe for pre-payment audits of 30 days.

Disallows recoupments based solely on "clerical errors" and allows providers to correct the error(s) within 30 days.

Allows providers who owe a recoupment to pay on a repayment plan over three years.

Forbids insurers from financially incentivizing employees or third party companies conducting audits to find errors that result in recoupments.

Thank you for your support of this important bill and please stay tuned for more Calls for Action. Remember that WE can make a difference when WE take action as an association of independent behavioral health professionals united under common interests and values.

Respectfully,

OIMHP