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## LC 1486

### Brief summary

Removes limits on duration of medical service and number of visits and certain areas of practice for chiropractic physicians serving as attending physicians in workers' compensation claims.

### Analysis

#### What the law currently does

- Defines attending physician as:
  - A medical doctor, doctor of osteopathy, podiatric physician and surgeon, or oral and maxillofacial surgeon; or
  - For 60 days from the date of first visit or 18 cumulative visits, whichever occurs first, a chiropractic physician, naturopathic physician, or physician assistant.
- Allows chiropractic physicians to serve as attending physician on the initial claim only.
- Allows chiropractic physicians to authorize payment of temporary disability compensation for a period of up to 30 days from the date of the first visit.
- Requires chiropractic physicians to certify that they have reviewed informational materials about the workers' compensation system developed by the director prior to providing any compensable medical services or authorizing temporary disability benefits.

#### What will change if the bill is enacted

Gives chiropractic physicians full attending physician status equal to medical doctors, doctors of osteopathy, oral and maxillofacial surgeons, and podiatric physicians and surgeons; i.e., as attending physicians, they are not limited to 60 days/18 visits, they may authorize the payment of temporary disability compensation for more than 30 days, and they may serve as the attending physician on closed claims or aggravation claims.

When providing services upon referral from the attending physician, chiropractic physicians would no longer be considered ancillary care providers, and instead would assume the role of specialist physicians. As such they would no longer be subject to the treatment plan requirements under OAR 436-010-0230(7).

## Likely impacts, results, or consequences if the bill is enacted

Under this bill, workers may keep a chiropractic physician as the attending physician for more than 60 days or 18 visits. Many workers' compensation cases require treatment for 3 to 4 months. This bill would allow many workers to stay with a chiropractic physician as their attending physician for their whole claim. Workers currently cannot do this, as they have to change their attending physician from a chiropractic physician to a provider with unlimited authority after 60 days. Additionally, workers having a chiropractic physician as their attending physician would not need to change attending physicians if there are work restrictions lasting more than 30 days.

Further, this bill would allow workers to choose a chiropractic physician as their attending physician on closed or aggravation claims.

There may be an increase in the number of claims in which a chiropractic physician functions as the attending physician. However, overall system impact cannot be determined since medical and indemnity costs are dependent upon several factors including worker choice, access to providers, and provider treatment patterns.

## Questions/relevant information for the bill sponsor or primary proponent

This bill does not modify ORS 656.799, i.e., chiropractic physicians would continue to be required to certify to the director that they have read informational material prior to providing any compensable medical service. Does this bill intentionally not modify ORS 656.799?

## Legislative history

### Has this bill been introduced in a prior session?

No    Yes   Years   Bill numbers

### Does this bill amend current state or federal law or programs?

No    Yes   Specify ORS 656.005, 656.245 and 656.260

### Is this bill related to a legal decision?

No    Yes   Case citation, AG opinion, date, etc.

### Should another DCBS division review this measure?

No    Yes   Divisions

## Other impacts

### Does this bill have a fiscal impact to DCBS?

No    Yes    Unknown   Explain

## Does this bill have an economic impact to stakeholders?

No    Yes    Unknown   Explain

## Sponsors

Oregon Chiropractic Association

## Possible interested stakeholders

Chiropractic physicians, medical providers, insurers, and self-insured employers.

## Public policy topics

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| <input type="checkbox"/> Agency operations                  | <input type="checkbox"/> Other lines of insurance                |
| <input type="checkbox"/> Building codes                     | <input type="checkbox"/> Prescription drugs                      |
| <input type="checkbox"/> Financial institutions and lending | <input type="checkbox"/> Property and casualty insurance         |
| <input type="checkbox"/> Health insurance                   | <input type="checkbox"/> Public records/public meetings law      |
| <input type="checkbox"/> Involvement with other agencies    | <input type="checkbox"/> Rulemaking                              |
| <input type="checkbox"/> Licensure                          | <input type="checkbox"/> Securities                              |
| <input type="checkbox"/> Manufactured structures            | <input type="checkbox"/> Task force/reports                      |
| <input type="checkbox"/> MLAC legislative review            | <input type="checkbox"/> Worker safety                           |
| <input type="checkbox"/> New program                        | <input checked="" type="checkbox"/> Workers' compensation system |
| <input type="checkbox"/> Nondepository programs             | <input type="checkbox"/> Other                                   |