

CONFERENCE COMMITTEE ON HB 2498

June 10, 2005 Hearing Room D

11:00 A.M. Tapes 1 - 2

MEMBERS PRESENT: Rep. Billy Dalto, Chair
Rep. Vicki Berger
Sen. Kate Brown
Rep. Mitch Greenlick
Sen. Laurie Monnes Anderson
Sen. Jackie Winters

GUEST MEMBERS: Rep. Chuck Burley
Rep. Diane Rosenbaum

STAFF PRESENT: Sandy Thiele-Cirka, Committee Administrator
Pamella Andersen, Committee Assistant

MEASURES/ISSUES HEARD:
HB 2498B – Work Session

These minutes are in compliance with Senate and House Rules. Only text enclosed in quotation marks reports a speaker's exact words. For complete contents, please refer to the tapes.

TAPE/#	Speaker	Comments
TAPE 1, A		
003	Chair Dalto	Calls the meeting to order at 11:06 a.m. Opens a work session on HB 2498.
<u>HB 2498 – WORK SESSION</u>		
013	Rep. Berger	Reviews the history of HB 2498. Mentions and explains the –B4 (EXHIBIT A) and –B5 amendments (EXHIBIT B).
044	Holly Robinson	Legislative Counsel. Explains the need to relate the bill to the Insurance Code.
054	Sen. Brown	Inquires about House rules.
056	Rep. Greenlick	Relates his understanding any issues relevant to the bill may be discussed.
065	Chair Dalto	Inquires about the –B4 amendments.
066	Robinson	Discusses section 3 of the original bill and relates the need to incorporate provisions of the bill into various sections of the Oregon Revised Statutes (ORS).
105	Chair Dalto	Requests Robinson review the differences between the –B4 and –B5 amendments.
108	Robinson	Reviews the differences between the –B4 and –B5 amendments.
126	Chair Dalto	Asks if the language in section 2 is clear enough.
128	Robinson	Confirms, yes. Provides details.
138	Rep. Greenlick	Questions the –B5 amendments on the insurance issue.
141	Robinson	Reviews the –B5 amendments as they relate to the specific issue of insurance coverage. Mentions limitations in policy choice in the amendment.
165	Chair Dalto	Asks about the certain circumstances mentioned.
166	Robinson	Explains the circumstances.
170	Berger	States provisions apply based on the doctor's recommendation.
172	Robinson	Confirms, yes. Provides details.
178	Chair Dalto	Relates the goal appears to be to preclude a provider billing for

		an annual exam if only a clinical breast exam (CBE) was performed.
185	Robinson	Provides scenario that reflects policy differences between the two amendments in which the doctor might not be paid. Continues section-by-section review.
219	Rep. Greenlick	Explains the provision appears odd because this is emerging standard of care.
224	Robinson	Reports the concern she expressed in drafting is, as part of evolving standards of care ambiguity is created. Notes a Court of Appeals might question why the legislature didn't choose to state details, resulting in possible litigation.
278	Chair Dalto	Calls proponents of the –B5 amendments forward to make their recommendations.
284	John Powell	Regence BlueCross/BlueShield. Notes Regence is not necessarily the proponent of the amendment. Relates concern with clarity in the law. Reports Regence does not oppose the payment of these examinations, but pays for them, today. Explains possibilities of when a physician might not be paid. Relates the differences between what Regence requested of Legislative Counsel and the product created. States Regence' expectations with the amendment. Believes the more specific language in subsection 1 limits, rather than allows more. Comments the standard of care would be between the patient and physician.
385	Chair Dalto	Invites Rep. Diane Rosenbaum to join the committee at the dais.
392	Sen. Brown	Clarifies her understanding of the differences between the –B4 and the –B5 amendments.
405	Sen. Monnes Anderson	Relates her concern about mandates, considering this is an emerging standard of care. Asks if that was the intent of Regence, anticipating other mandates in the future.
427	Powell	Relates their desire to stick as closely to the original bill as possible. Wishes to use the standard of care as a barometer that would change with medical practices.
TAPE 2, A		
002	Rep. Greenlick	Asks if the bill is adopted with the –B4 amendments, will Regence continue to support the bill.
010	Powell	Responds he believes Regence would support the amended bill unless something unexpected should surface later. Reiterates Regence pays for the procedures now and are not attempting to renege.
019	Sen. Winters	Requests clarification of the need for the change from the –B4 to –B5 amendments.
023	Powell	Relates Regence recommends using the “standard of medical care” language to allow for emergence of care standards.
034	Rep. Berger	Relates she is comfortable with the –B4 amendments, and doesn't believe the –B5 amendments effectively clean up the language.
053	Rep. Rosenbaum	Points out the language in section 2 of the –B4 amendments, lines 8-9, is the language that was in the earlier version of the bill.
070	Chair Dalto	Asks Powell about providers billing for complete exams when they are not providing all components at the time. Requests clarification.
082	Powell	Clarifies they are not unbundling what is included in the service.

106	Rep. Greenlick	Discusses current bundled CPT code for women's exams. Believes the intent is to add a different code so a physician can do the standard exam and in addition, do the CBE and charge the additional code.
123	Powell	Relates CPT codes are bundled into a package. Notes when Regence pays for an exam they expect the exam to be complete.
141	Chair Dalto	States the standard of care is different depending on what provider you are speaking with. Notes his intent with the -B4 amendments was for providers meeting the past standard to continue receiving standard payments, but for those performing the expanded exam, to receive expanded payments.
166	Sen. Monnes Anderson	Inquires if women not needing an expanded exam can receive the CBE with the -B4 amendment.
174	Powell	Confirms, yes.
176	Chair Dalto	Inquires if Powell is anticipating a provider seek payment for more than a CBE.
177	Powell	Responds, no.
181	Chair Dalto	Questions if Powell wants any changes to the -B4 amendment.
189	Powell	Believes a specific amendment is unnecessary to provide for separate payment.
198	Sen. Brown	Reiterates her earlier question about House rules.
206	Rep. Greenlick	Confirms anything related to the bill can be discussed.
218	Sen. Monnes Anderson	MOTION: Moves to ADOPT HB 2498-B4 amendments dated 06/07/05.
230		VOTE: 6-0-0 AYE: In a roll call vote, all members present vote Aye. The motion CARRIES.
235	Chair Dalto Sen. Monnes Anderson	MOTION: Moves HB 2498B to the floor with the recommendation that the House CONCUR in Senate amendments dated 04/27/05 and that the bill be FURTHER AMENDED by the -B4 amendments dated 06/07/05 and the measure be REPASSED.
254		VOTE: 6-0-0 AYE: In a roll call vote, all members present vote Aye. The motion CARRIES. SEN. WINTERS AND REP. DALTO will lead discussion on the floor.
262	Chair Dalto	Closes the work session on HB 2498. Adjourns the meeting at 11:55 a.m.

EXHIBIT SUMMARY

- A. HB 2498, -B4 amendments, staff 3 pp
- B. HB 2498, -B5 amendments, staff 3 pp