

LC 270

SUBJECT: Modifies treatment limits for certain chiropractic and naturopathic physicians who provide medical services to injured workers through managed care organization. Authorizes chiropractic and naturopathic physicians who are members of managed care organization to authorize temporary disability compensation payments to injured workers for up to 30 days. Requires managed care organization to allow chiropractic and naturopathic physicians to serve as attending physician for injured workers for life of claim.

SPONSOR:

Existing Law:

- Allows Managed Care Organizations (MCOs) to:
 - Decide whether panel chiropractic physicians or naturopathic physicians may serve as attending physicians for enrolled workers; and
 - Limit, or extend beyond the statutory limits, the time panel chiropractic physicians or naturopathic physicians are allowed to serve as attending physicians or authorize temporary disability for enrolled workers.
- Allows an MCO enrolled worker to receive compensable treatment from a chiropractic physician who is not a member of the MCO, so long as the chiropractor: maintains the worker's medical records, has a documented history of treatment, agrees to refer the worker to the MCO for any specialized treatment required by another provider, and agrees to comply with rules, terms and conditions of the MCO. In this case, the chiropractic physician is known as a "come along" physician.
- Allows a chiropractic physician who treats an enrolled worker as a "come along" physician to:
 - Serve as the attending physician for 60 days or 18 visits from the date of first visit on the initial claim (ORS 656.005(12)(b)(B)); and
 - Authorize payment of temporary disability compensation for 30 days from the date of first visit on the initial claim (ORS 656.245(2)(b)(B)).
- Allows an MCO to extend the time "come along" chiropractic physicians are allowed to serve as attending physicians or authorize payment of temporary disability compensation for enrolled workers beyond the statutory limits.
- Does not provide "come along" status to a naturopathic physician.

This concept:

- Requires that MCOs authorize panel chiropractic physicians and naturopathic physicians to:
 - Serve as attending physicians for enrolled workers for the life of the claim; and
 - Authorize payment of temporary disability compensation for enrolled workers for up to 30 days.

- Allows MCOs to extend the authorization of payment of temporary disability compensation for enrolled workers period past 30 days for panel chiropractic physicians or naturopathic physicians.
- Extends “come along” status to a naturopathic physician who is not a member of the MCO, so long as the naturopath: maintains the worker’s medical records, has a documented history of treatment, agrees to refer the worker to the MCO for any specialized treatment required by another provider, and agrees to comply with rules, terms and conditions of the MCO.
- Allows chiropractic physicians or naturopathic physicians who treat enrolled workers as “come along” physicians to serve as attending physicians for a cumulative 60 days or 18 visits, whichever occurs first, from the date of first visit. Allows MCOs to extend the timeframe beyond this limit.
- Removes requirement that MCOs allow chiropractic physicians who treat enrolled workers as “come along” physicians to authorize payment of temporary disability compensation.

Analysis:

1. A managed care organization (MCO) is a health care provider or group of medical service providers that contracts with insurers or self-insured employers to provide a wide variety of managed health care services to enrolled workers through participating panel providers. The Department of Consumer and Business Services (DCBS) director must certify these organizations. Once a worker is enrolled in an MCO, they are required to treat with providers that contract with the MCO, with some exceptions cited below.
2. Current law does not establish minimum periods an MCO has to allow panel chiropractic physicians or naturopathic physicians to serve as attending physicians or for how long they may authorize payment of temporary disability payments. This concept requires that MCOs grant panel chiropractic physicians or naturopathic physicians attending physician status for the life of an enrolled worker’s claim. The concept requires panel chiropractic physicians or naturopathic physicians to authorize payment of temporary disability compensation for 30 days, or more if the MCO so chooses.
3. Under current law, upon enrollment in an MCO a worker is allowed to continue to treat with certain providers (primary care physicians, chiropractic physicians and authorized nurse practitioners) who are not panel providers, if the provider maintains the worker’s medical records, the worker has a documented history of treatment, and the provider agrees to comply with all the rules, terms, and conditions regarding services performed by the MCO. These providers are commonly known as “come along” providers. This concept adds naturopathic physicians to the type of providers who may qualify as “come along” physicians.
4. Under current law, “come along” chiropractic physicians are allowed to treat in an MCO for the same timeframes as the chiropractic physician’s general attending physician authority under ORS 656.005(12)(b)(B) (currently 60 days or 18 visits from the first visit on the initial claim). This concept removes the tie to the general authority and sets a specific limit for “come along” chiropractic physicians and naturopaths working under an MCO. This means

future adjustments to the general treating authority in ORS 656.005(12)(b)(B) will not automatically be reflected for “come along” chiropractic physicians or naturopaths.

5. This concept allows MCOs to voluntarily extend the treating time period beyond the 60 days/18 visits for naturopathic physicians treating enrolled workers as “come along” physicians. The same continues to be true for chiropractic physicians.
6. Currently, chiropractic physicians who treat enrolled workers as a “come along” physicians may, for 30 days from the date of first visit on the initial claim, authorize payment of temporary disability compensation. This concept removes the explicit ability of the chiropractic “come along” physicians to authorize payment of temporary disability compensation. The concept does not afford time loss authorizations to naturopathic “come along” physicians.

Questions and/or suggested amendments:

1. Was it the intent of this concept that naturopathic “come along” physicians may not, and chiropractic “come along” physicians no longer, authorize payment of temporary disability compensation?
2. It is not clear whether chiropractic physicians and naturopathic physicians who are panel providers may authorize 30 days of payment of temporary disability compensation on initial claims only or anytime during the life of the claim, and whether the thirty-days period starts with the first visit.
3. It is not clear, whether chiropractic physicians and naturopathic physicians may serve as “come along” physicians on the initial claim only, or any time during the life of the claim.

Fiscal Impact to DCBS: The bill does not change the regulatory functions of the agency, thus no fiscal impact is anticipated.

Other Economic Impact: None anticipated

Support: Vern Saboe, DC

Opposition: Unknown

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