

May 2, 2021

HB 2508 – Telemedicine Pay Parity

The Senate Health Committee held hearings this week on the bill to require pay parity for telemedicine. Numerous groups testified and submitted written comments in support of the bill as it was amended in the House. At the request of insurers, the House removed parity requirements for text and email, and added a report back from the Department of Consumer and Business on how the policy has impacted premiums.

But insurers are still advocating that a sunset be added to the bill. Vince Porter, Cambia, told the Committee, “we believe that pay parity for *all* telehealth services will not only prevent us from realizing savings, but will possible also add costs *to* the system.” A sunset would allow the state to reassess the policy in 2023 to ensure it is aligned with other health transformation goals such as reducing costs and shifting towards value-based payment says Porter.

Providence’s Kristen Downey added that a sunset provision would “motivate providers and insurers to move away from fee-for-service.”

The bill is scheduled for a work session on May 5th. No new amendments have been posted.

HB 2261 – Remote Vape Sales

“Teen use of electronic cigarettes (e-cigarettes) has increased at an alarming rate in the past decade, prompting the US Surgeon General to describe it as an epidemic. According to the CDC, approximately 31.2% of high school students and 12.5% of middle school students reported using tobacco products in 2019” says Attorney General Ellen Rosenblum. In Oregon, e-cigarette use among 11th graders grew from 13% to 23% in the two-year period from 2017 to 2019, an 80% increase. E-cigarettes have surpassed cigarettes, little cigars, and smokeless tobacco as the product of choice among youth.

In 2017, the legislature passed legislation banning online sales of tobacco products. This bill simply expands that prohibition to include vape products.

SB 193 – Damages Caps

After a lengthy debate and Republican attempts to substitute a Minority Report and send the bill to Ways and Means, the Senate ultimately passed SB 193 with Senators Betsy Johnson (D-Scappoose) and Brian Boquist (I-Dallas) joining the Republicans in opposition. The bill would adapt Oregon statute to require criminal guilty verdicts be unanimous, *and* remove the statutory cap on noneconomic damages for claims for bodily injury.

Sen. Floyd Prozanski (D-Eugene) said the bill is a “pure and simple clean-up of statutes on the books right now” that were held unconstitutional in recent US and Oregon Supreme Court decisions.

Repealing the noneconomic damages cap is contentious. Republicans, supported by business and insurance industry associations, proposed a task force to study lawful caps on noneconomic damages, rather than repealing them.

Sen. Dennis Linthicum (R-Klamath Falls) said that the Senate Judiciary Committee purposefully combined the two issues into one bill to create a “quagmire” for legislators.

Sen. Tim Knopp (R-Bend) objected to the process, saying, “The Minority does not like being treated like bodies for a quorum. ... They were not respected on this bill.”

The bill now goes to the House.

SB 3 – EMS Transports

Sen. President Peter Courtney (D-Salem) testified to the House Health Committee about his motivation for introducing the bill. He had to have emergency medical transport from Arizona to Oregon, which cost \$16,000 and had to be paid up front. The bill would require insurers to cover emergency transport services in such instances.

The bill has no known opposition. Members of the House Health Committee wondered if it would raise costs for insurers. Jesse O’Brien from the Department of Consumer and Business Services said it is unlikely to affect the overall cost growth target for health care since it would likely only affect a small number of cases.

SB 169 – Non-Competes

“The way Oregon’s non-compete statute is currently written places undue burden on Oregonians trying to find jobs,” Sen. Kathleen Taylor (D-Milwaukie) told the House Business and Labor Committee. Non-competes should apply to those for whom they were originally intended, not roofers, administrative assistants or doctors during a global pandemic, she added.

SB 169 would update existing statute by reducing the maximum term of noncompetition agreements to 12 months and disallowing their use for employees who earn less than \$100k annually. The bill was heavily negotiated and is unopposed.

Rep. Janelle Bynum (D-Clackamas) asked about the bill’s income threshold, saying, “I’m terribly uncomfortable. This feels like slavery. ... I recognize the problem, but I think we’ve set the threshold way too low.”

Bill advocates responded that the income limit was the compromise they were able to reach.

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