

DIVISION 200

DEPARTMENT REGULATORY PROGRAMS

Retainer Medical Practices

836-200-0300 (NEW)

Statement of Purpose; Authority

OAR 836-200-0300 to 836-200-0315 are adopted by the Director of the Department of Consumer and Business Services pursuant to sections 2 and 3, chapter 499, Oregon Laws 2011 (Enrolled Senate Bill 86). The purpose of OAR 836-200-0300 to 836-200-0315 is to establish the requirements for initial certification, disclosure requirements and certification renewal, for a retainer medical practice.

Stat. Auth.: ORS 731.244 & sections 2 and 3, chapter 499, Oregon Laws 2011 (Enrolled Senate Bill 86)

Stats. Implemented: sections 2 and 3, chapter 499, Oregon Laws 2011 (Enrolled Senate Bill 86)

836-200-0305 (NEW)

Retainer Medical Practice Application for Certification

(1) The Director of the Department of Consumer and Business Services may certify a retainer medical practice for a period of one year or more, if the applicant:

(a) Acts in accordance with the attestations required by paragraph (c) of this section;

(b) Complies with and meets the requirements of OAR 836-200-0300 to 836-200-0315 and sections 2 and 3, chapter 499, Oregon Laws 2011 (Enrolled Senate Bill 86); and

(c) Completes and submits to the satisfaction of the director a retainer medical practice application as set forth on the website for the Insurance Division of the Department of Consumer and Business Services at www.insurance.oregon.gov. As required on the form, the applicant shall:

(A) Attest to the following:

(i) Under the retainer medical agreement providers providing services are licensed or certified under ORS chapters 677, 678, 684, or 685 and the services provided will be limited to primary care services allowed within the scope of such licenses or certifications.

(ii) The applicant is not and has never been authorized in this or any other state to transact insurance or act as an insurer, managed care organization, health care services contractor, or similar entity;

(iii) The applicant is not controlled by any person described in subparagraph (ii) of this paragraph;

(iv) The applicant will structure the retainer medical practice to ensure that all services promised under the retainer medical agreement are within the capacity of the practice to provide in a timely manner;

(v) The applicant is financially responsible and has the necessary business experience or expertise to operate the practice;

(vi) The applicant will not discriminate based on race, religion, gender, sexual identity, sexual preference, or health status;

(vii) The applicant is authorized to conduct business in the State of Oregon and has complied with all registration requirements of this State; and

1 (viii) The information provided in the application and all supplemental and additional
2 information is true and complete, and the applicant will submit to the jurisdiction of the
3 courts of the State of Oregon.

4 (B) Establish to the satisfaction of the director that the applicant is financially responsible.
5 To establish that an applicant is financially responsible, the applicant must provide all of
6 the following:

7 (i) A statement of whether the applicant has filed for bankruptcy during the 25- year
8 period prior to the application or renewal.

9 (ii) The applicant's business plan, including a discussion of how the applicant intends to
10 monitor the practice to ensure the services promised under the retainer medical agreement
11 are provided in a timely manner. The plan must include a clear description of how the
12 retainer medical practice will ensure repayment of retainer medical fees paid in advance if
13 the retainer medical practice is unable to provide the services promised under the retainer
14 medical agreement.

15 (iii) A copy of any marketing materials and the retainer medical agreement that will be
16 used for the 12-month certification period and each subsequent renewal. The agreement
17 must include provisions that obligate the retainer medical practice to reimburse retainer
18 medical patients for retainer medical fees paid in advance in the event the retainer medical
19 practice is unable to provide services promised under the retainer medical agreement.

20 (C) Establish that the applicant has the necessary experience and expertise to operate a
21 retainer medical practice by providing all of the following:

22 (i) The name of any other jurisdiction in which the applicant currently holds a license,
23 registration or certification to transact business as a retainer medical practice or similar
24 entity, or has held such a license or certification within ten years prior to the date of the
25 application.

26 (ii) A statement of whether any license or registration of the applicant or any person with
27 control of the applicant has ever been denied, suspended, revoked or not renewed in this or
28 any other state and whether the applicant or any person with control of the applicant has
29 otherwise ever been the subject of an enforcement action taken by a licensing or
30 registration agency. For any action taken, the applicant shall provide the name and address
31 of the licensing or registration agency, the date of the action taken against the license or
32 registration and a description of the reason for the action taken against the license or
33 registration.

34 (iii) A biographical affidavit in the form and manner prescribed by the director, completed
35 by each member of the board of directors, executive committee, or other governing board
36 or committee of the applicant; and

37 (iv) A statement describing the background or training of the applicant that provides the
38 necessary business experience or expertise to operate a retainer medical practice. The
39 statement shall include the number of years the applicant has been in practice. The
40 statement may also include a description of any similar business the applicant has
41 operated, how many years the applicant operated the similar business and any pertinent
42 training or experience the applicant has completed that has allowed the applicant to
43 develop the necessary experience or expertise to operate a practice. The experience need
44 not be specific to a retainer medical practice.

45 (D) Provide the names and Oregon license numbers of all providers providing services
46 through the medical retainer practice.

47 (E) Provide the physical and mailing address, telephone number, facsimile number, email
48 address and website address for each location providing retainer medical services.

49 (F) Provide the name and address for service of process for the retainer medical practice.

1 **(G) Provide the name, mailing address, telephone number, signature and email address of**
2 **the person completing the application on behalf of the applicant.**

3 **(H) Provide all names, including assumed business names, under which the retainer**
4 **medical practice will operate, market or otherwise do business.**

5 **(2) (a) A retainer medical practice certification issued on or before February 1 of any given**
6 **year is valid through January 31 of the following year.**

7 **(b) A retainer medical practice certification issued after February 1 of any given year is**
8 **valid through January 31 of the second year following the year of certification.**

9
10 Stat. Auth.: ORS 731.244 & sections 2 and 3, chapter 499, Oregon Laws 2011 (Enrolled Senate
11 Bill 86)

12 Stat. Implemented.: ORS 731.244 & sections 2 and 3, chapter 499, Oregon Laws 2011 (Enrolled
13 Senate Bill 86)

14
15 **836-200-0310 (NEW)**

16 **Retainer Medical Practice Application for Renewal**

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18 **(1) The director may renew a retainer medical practice certification if the practice complies**
19 **with all of the following:**

20 **(a) The retainer medical practice completes and submits to the satisfaction of the director a**
21 **retainer medical practice renewal application as set forth on the website for the Insurance**
22 **Division of the Department of Consumer and Business Services at**
23 **www.insurance.oregon.gov. The renewal application must be submitted annually before**
24 **February 1 of each year in accordance with OAR 836-200-0305(2).**

25 **(b) The retainer medical practice acts in accordance with the attestations required by OAR**
26 **836-200-0305(1).**

27 **(c) The retainer medical practice shall provide with the renewal application, the following**
28 **information for the prior calendar year through December 31:**

29 **(A) The total number of retainer medical patients under agreement with the retainer**
30 **medical practice;**

31 **(B) The total number of retainer medical patients that voluntarily terminated the retainer**
32 **medical agreement;**

33 **(C) The total number of patients with whom the retainer medical practice terminated an**
34 **agreement and the reasons for the terminations;**

35 **(D) The total number of applicants declined by the retainer medical practice and the**
36 **reasons for the declinations; and**

37 **(E) Any changes to the information submitted on the applicant's original application for**
38 **certification.**

39 **(2) The director shall use the information required by section (1) of this rule to determine**
40 **whether the retainer medical practice meets the requirements of, and complies with,**
41 **section 2, chapter 499, Oregon Laws 2011 (Enrolled Senate Bill 86) for purposes of**
42 **renewing a certification.**

43 **(3) A renewal certification shall be for a period of one year.**

44
45 Stat. Auth.: ORS 731.244 & sections 2 and 3, chapter 499, Oregon Laws 2011 (Enrolled Senate
46 Bill 86)

47 Stat. Implemented.: ORS 731.244 & sections 2 and 3, chapter 499, Oregon Laws 2011 (Enrolled
48 Senate Bill 86)

1 **836-200-0315 (NEW)**

2 **Disclosures; Form and Contents**

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4 **(1) The disclosures required by Section 2(4), chapter 499, Oregon Laws 2011 shall be in 12-**
5 **point font or larger, on the first content page of marketing materials, including websites,**
6 **and in the first content page of contracts with retainer medical patients, including the**
7 **retainer medical agreement.**

8 **(2) In addition to the disclosures required by Section 2(4), chapter 499, Oregon Laws 2011,**
9 **a retainer medical practice shall make the following written information available to**
10 **retainer medical patients and prospective retainer medical patients by prominently**
11 **disclosing, in 12-point font or larger, in all marketing materials, including websites and in**
12 **the medical retainer agreement:**

13 **(a) “The Department of Consumer and Business Services issued a certification to this**
14 **practice. You can contact consumer advocates at the Department of Consumer and**
15 **Business Services at (888) 977-4894, [dcbs.in@mail@state.or.us](mailto:dcbs.in@mail.state.or.us), or**
16 **www.insurance.oregon.gov.”;**

17 **(b) A statement explaining the retainer medical practice’s cancellation and refund policy;**

18 **(c) A statement explaining how fees are charged by the retainer medical practice; and**

19 **(d) A list of services included for the fees charged.**

20
21 Stat. Auth.: ORS 731.244 & sections 2 and 3, chapter 499, Oregon Laws 2011 (Enrolled Senate
22 Bill 86)

23 Stat. Implemented.: ORS 731.244 & sections 2 and 3, chapter 499, Oregon Laws 2011 (Enrolled
24 Senate Bill 86)