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RE: HB 3243 (2025) Rules Advisory Committee

Submitted electronically on November 7, 2025

The Oregon State Ambulance Association (OSAA) is a statewide association of EMS providers that includes public, private, non-profit, ground and air membership. On behalf of our membership, we offer the below comments on the rulemaking efforts related to HB 3243 (2025 Session).

First, we are very appreciative that several of the suggestions made by the Oregon State Ambulance Association were incorporated into the draft rules shared at the second and third RAC meetings, and/or were addressed verbally in those meetings. OSAA greatly appreciates DCBS' work on this critical consumer protection issue, and looks forward to offering any and all assistance to implement this bill in the most meaningful way.

Time-Specific Medicare Rates

We do have significant concern about the new language in the draft rules that ties the Medicare rate to a static period in time. We understand that there are concerns about delegating authority, and we appreciate that DCBS staff stated that the frozen date may be addressed and updated in continual rulemakings. If the agency must freeze the Medicare rate for the purposes of these rules, OSAA strongly encourages the agency to reference a commitment to updating the rate continually. We suggest annual updates, following the federal schedule.

Related, OAR 410-127-0060 deals with Medicaid reimbursement for home health rates, which are also tied to a percentage of Medicare. These rules specify that the agency is performing an annual recalculation of rates tied and note the Medicare percentage. We suggest that DCBS consider similar language for the rules related to HB 3243 (2025).

As discussed, it was not legislative intent to fix the Medicare rate to a certain time. This was not discussed during Session. If it was the intent to fix the rate, the legislature would have just picked the fixed number and put that into statute, rather than picking a percentage.

2024 Officers:

President Tim Novotny Bay Cities Ambulance	Vice President Mike Lepin Jefferson County Fire & EMS	Treasurer Sheila Clough Mercy Flights	Secretary Rob McDonald AMR	Past President Dan Brattain CAL-ORE Life Flight	Legislative Co-Chairs Shawn Baird, Metro West John Tacy, Lebanon Fire
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Identification of participating plans

We appreciate that DCBS staff has indicated that there will be a mechanism, similar to what is available in Washington, for EMS agencies to identify ERISA plans and PEBB/OEBB plans, and also which of those plans are opting in to the protections of HB 3243 (2025). This will ensure that patients are not mistakenly balance billed. This tool is also helpful for patients who are looking for information about what their insurance plan offers them.

Enforcement of locally established rate

Our members that serve both Oregon and Washington continue to share that they are experiencing that some insurers are only paying out the backup Medicare rate, and not the locally established rate even when it is included in the database. OSAA suggests adding strong enforcement language to the draft rules, and including information for EMS agencies in either the rule or an FAQ document about the available resources in the event that an insurer is not reimbursing appropriately.

Additional considerations:

- **Clarification that HB 3243 does not eliminate contracts between EMS agencies and insurers:** OSAA would appreciate a clarifying statement that the protections outlined in the rules and HB 3243 exist when there is not a contract between EMS providers and insurers. While in-network contracts are somewhat rare in the industry, we believe it is legislative intent to continue to allow these contracted relationships.

This is supported by the fact that the report-back mechanism contained in HB 3243 states that the report must include information about the number of contracts between EMS providers and insurers entered into on or after January 2026 (Section 3, HB 3243).

- **Timeline for repayment:** We appreciate the language in the most recent draft rules that extends the 30-day repayment timeline to 45 days. As noted in the RACs and in previous comments, some OSAA members have maintained that a 30-day timeline for repayment of excess payments may be administratively difficult or impossible. For example, some agencies must have all outgoing checks approved at board meetings, which do not meet that frequently. While OSAA members/EMS providers will strive to ensure that they are not collecting excess payments in the first place—and if they do, they will strive to complete refunds as quickly as possible—a longer timeline would better ensure compliance with this requirement, particularly for small agencies.

If DCBS is able to provide robust information about which plans are participating in the protections or not, we anticipate that the instances of collecting overpayments will be quite minimal.

Additionally, OSAA re-emphasizes our commitment to support and assist any early efforts by DCBS to collect local rate information ahead of the January 1, 2026 requirement/active date of the bill.

The Oregon State Ambulance Association is appreciative of DCBS work to implement HB 3243 (2025). Thank you for your consideration of the above comments.

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