

Enrolled
House Bill 4107

Sponsored by Representatives DAVIS, HACK; Representatives BARRETO, KENY-GUYER, WITT,
Senator MONNES ANDERSON (Presession filed.)

CHAPTER

AN ACT

Relating to coordinated care organization contracts; creating new provisions; amending ORS 414.652; and declaring an emergency.

Be It Enacted by the People of the State of Oregon:

SECTION 1. ORS 414.652 is amended to read:

414.652. (1) A contract entered into between the Oregon Health Authority and a coordinated care organization under ORS 414.625 (1):

(a) Shall be for a term of five years;

(b) Except as provided in subsection (3) of this section, may not be amended more than once in each 12-month period; and

(c) May be terminated if a coordinated care organization fails to meet outcome and quality measures specified in the contract or is otherwise in breach of the contract.

(2) This section does not prohibit the authority from allowing a coordinated care organization a reasonable amount of time in which to cure any failure to meet outcome and quality measures specified in the contract prior to the termination of the contract.

(3) A contract entered into between the authority and a coordinated care organization may be amended more than once in each 12-month period if:

(a) The authority and the coordinated care organization mutually agree to amend the contract; or

(b) Amendments are necessitated by changes in federal or state law.

(4) The authority must give a coordinated care organization at least 60 days' advance notice of any amendments the authority proposes to existing contracts[,] **between the authority and the coordinated care organization**, or to contracts to be renewed, [*between the authority and the coordinated care organization.*] **including the global budget paid to the coordinated care organization under the contract.**

(5) **An amendment to a contract may apply retroactively only if:**

(a) **The amendment does not result in a claim by the authority for the recovery of amounts paid by the authority to the coordinated care organization prior to the date of the amendment; or**

(b) **The Centers for Medicare and Medicaid Services notifies the authority, in writing, that the amendment is a condition for approval of the contract by the Centers for Medicare and Medicaid Services.**

SECTION 2. The amendments to ORS 414.652 by section 1 of this 2016 Act:

(1) Apply to the terms of a contract between the Oregon Health Authority and a coordinated care organization entered into or amended and restated on or after January 1, 2016.

(2) Do not apply to an amendment to a contract, signed before, on or after January 1, 2016, that results in a claim by the authority for the recovery of amounts paid by the authority to the coordinated care organization for services provided by the coordinated care organization prior to January 1, 2016.

SECTION 3. This 2016 Act being necessary for the immediate preservation of the public peace, health and safety, an emergency is declared to exist, and this 2016 Act takes effect on its passage.

Passed by House February 15, 2016

Received by Governor:

Repassed by House March 3, 2016

.....M,....., 2016

Approved:

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Timothy G. Sekerak, Chief Clerk of House

.....M,....., 2016

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Tina Kotek, Speaker of House

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Kate Brown, Governor

Passed by Senate March 2, 2016

Filed in Office of Secretary of State:

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Peter Courtney, President of Senate

.....M,....., 2016

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Jeanne P. Atkins, Secretary of State