

Enrolled House Bill 2342

Introduced and printed pursuant to House Rule 12.00. Pre-session filed (at the request of Governor Kate Brown for Department of Consumer and Business Services)

CHAPTER

AN ACT

Relating to health insurance; and declaring an emergency.

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

SECTION 1. (1) Notwithstanding any other law, the Department of Consumer and Business Services may, upon the recommendation of the Health Insurance Exchange Advisory Committee created in ORS 741.004, adopt rules that are not in compliance with the Insurance Code if:

(a)(A) There is a change in federal law on or after September 1, 2017, that:

(i) Is expected to cause premium rates previously approved by the department to no longer meet the requirements of ORS 743.018 (4); or

(ii) Is expected to have a substantial impact on the average out-of-pocket costs for or premiums paid by insureds in this state; or

(B) A decision is made by the United States Department of Health and Human Services, the Internal Revenue Service or the United States Department of Labor to discontinue or reduce federal payments for cost-sharing reductions authorized by 42 U.S.C. 18071; and

(b) The Director of the Department of Consumer and Business Services determines that the change in law or decision by a federal agency described in paragraph (a) of this subsection will cause an imminent destabilization of the insurance market and risk the life or health of residents of this state.

(2) The rules may be adopted as temporary rules, in accordance with ORS 183.335 (5), but may not be readopted in whole or in part. Rules adopted as permanent rules may not be in effect for a period longer than six months unless ratified by an action of the Legislative Assembly.

(3) If the Department of Consumer and Business Services adopts any rules pursuant to its authority under this section, the department shall:

(a) Immediately report to the President of the Senate, the Speaker of the House of Representatives and the interim committees of the Legislative Assembly related to health any action taken by the department pursuant to the rules and a full explanation of the reasons for taking the action; and

(b) Each calendar quarter after adopting the rules, report the impact of any actions taken pursuant to the rules on consumers and the insurance market in this state to the committees or interim committees of the Legislative Assembly related to health.

(4) Subsection (1) of this section does not authorize the Department of Consumer and Business Services to adopt any rule that fails to comply with the following provisions of the Insurance Code:

(a) The requirements for the reimbursement of providers, items and services in ORS chapter 743A;

(b) The prohibition on denial of coverage to consumers with preexisting conditions under ORS 735.616, 743B.003, 743B.011, 743B.013, 743B.105 or 743B.125; and

(c) The requirement to cover essential health benefits under ORS 741.310, 743B.013 and 743B.125.

SECTION 2. Section 1 of this 2017 Act is repealed on July 1, 2019.

SECTION 3. This 2017 Act being necessary for the immediate preservation of the public peace, health and safety, an emergency is declared to exist, and this 2017 Act takes effect on its passage.

Passed by House May 17, 2017

Received by Governor:

Repassed by House July 5, 2017

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Approved:

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Timothy G. Sekerak, Chief Clerk of House

.....M,....., 2017

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Tina Kotek, Speaker of House

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Kate Brown, Governor

Passed by Senate July 1, 2017

Filed in Office of Secretary of State:

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Peter Courtney, President of Senate

.....M,....., 2017

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Dennis Richardson, Secretary of State