

**Enrolled**  
**House Bill 2037**

Introduced and printed pursuant to House Rule 12.00. Pre-session filed (at the request of Governor Kate Brown for Oregon Health Authority)

CHAPTER .....

AN ACT

Relating to state benefit boards' provision of long term care insurance plans; amending ORS 243.291, 243.296, 243.870 and 243.872.

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

**SECTION 1.** ORS 243.291 is amended to read:

243.291. (1) The Public Employees' Benefit Board *[shall]* **may** make available one or more fully insured long term care insurance plans. The plans *[shall]* **may** be made available to eligible employees, retired employees and family members. Notwithstanding ORS 243.105, for purposes of this subsection, "family members" includes family members as defined by the board and also includes the parents of the employee or retiree and the parents of the spouse of the employee or retiree.

(2) Employees of local governments and employees of political subdivisions may participate in the plans under terms and conditions established by the board, if it does not jeopardize the financial viability of the board's long term care insurance plans. However, unless the local government or political subdivision provides otherwise, the employee's participation is a personal action of the employee and does not obligate the local government or political subdivision to pay for the provision of benefits under this subsection.

(3) Participation of eligible employees or retired employees in any long term care insurance plan made available by the board is voluntary and is subject to reasonable underwriting guidelines and eligibility rules established by the board.

(4) The employee or retired employee is solely responsible for the payment of the long term care premium rates developed by the board. The board is authorized to charge a reasonable administrative fee, in addition to the premium charged by the long term care insurer, to cover the cost of administration and consumer education materials.

**SECTION 2.** ORS 243.296 is amended to read:

243.296. *[(1) The Public Employees' Benefit Board shall develop effective and cost-effective ways to make the long term care insurance plans described under ORS 243.291 available.]*

*[(2) The board, in consultation with the Public Employees Retirement System, shall develop long term care insurance plan design, eligibility rules, underwriting principles and educational materials in order to:]*

*[(a) Allow eligible employees to continue to participate in the plans after retirement; and]*

*[(b) Allow former eligible employees to enroll in the plans after retirement.]*

*[(3) The board's education program for the eligible employees and retired employees shall provide information on the potential need for long term care, methods of financing long term care and the availability of long term care insurance plans offered by the board.]*

**(1) If the Public Employees' Benefit Board offers a long term care insurance plan under ORS 243.291, the board shall:**

- (a) Develop effective and cost-effective ways to make the plan available;**
- (b) In consultation with the Public Employees Retirement System, develop plan specifications, eligibility rules, underwriting guidelines and consumer educational materials; and**
- (c) Ensure that eligible employees may continue to participate in the plan after retirement and former eligible employees may enroll in the plan after retirement.**

**(2) The educational materials that the board develops for eligible employees and retired employees under subsection (1) of this section shall provide information on the potential need for long term care, methods of financing long term care and the availability of long term care insurance plans offered by the board.**

**SECTION 3.** ORS 243.870 is amended to read:

243.870. (1) The Oregon Educators Benefit Board *[shall]* **may** make available to eligible employees and family members one or more fully insured long term care benefit plans. Notwithstanding ORS 243.860, for purposes of this subsection, "family member" includes family members, as defined by the board, the parents of the eligible employee and the parents of the spouse or domestic partner of the eligible employee.

(2) Participation of eligible employees in any long term care benefit plan made available by the board is voluntary and is subject to reasonable underwriting guidelines and eligibility rules established by the board.

(3) Unless otherwise agreed to by the employer, the eligible employee is responsible for the payment of the long term care benefit plan premium developed by the board.

**SECTION 4.** ORS 243.872 is amended to read:

243.872. *[(1) The Oregon Educators Benefit Board shall develop effective and cost-effective ways to make available the long term care benefit plans described in ORS 243.870.]*

*[(2) The board, in consultation with the Public Employees Retirement System, shall develop long term care benefit plan specifications, eligibility rules, underwriting guidelines and consumer educational materials.]*

*[(3) The board's educational materials for eligible employees shall provide information on the potential need for long term care, methods of financing long term care and the availability of long term care benefit plans offered by the board.]*

**(1) If the Oregon Educators Benefit Board offers a long term care benefit plan under ORS 243.870, the board shall:**

- (a) Develop effective and cost-effective ways to make the plan available; and**
- (b) In consultation with the Public Employees Retirement System, develop plan specifications, eligibility rules, underwriting guidelines and consumer educational materials.**

**(2) The educational materials that the board develops for eligible employees under subsection (1) of this section shall provide information on the potential need for long term care, methods of financing long term care and the availability of long term care benefit plans offered by the board.**

**Passed by House March 18, 2019**

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Timothy G. Sekerak, Chief Clerk of House

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Tina Kotek, Speaker of House

**Passed by Senate April 30, 2019**

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Peter Courtney, President of Senate

**Received by Governor:**

.....M,....., 2019

**Approved:**

.....M,....., 2019

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Kate Brown, Governor

**Filed in Office of Secretary of State:**

.....M,....., 2019

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Bev Clarno, Secretary of State