

A-Engrossed House Bill 4128

Ordered by the House February 14
Including House Amendments dated February 14

Sponsored by Representatives HOYLE, WEIDNER; Representatives BARNHART, DEMBROW, DOHERTY, GARRETT, GELSER, HOLVEY, KENY-GUYER, MATTHEWS, SCHAUFLEER, TOMEI (Pre-session filed.)

SUMMARY

The following summary is not prepared by the sponsors of the measure and is not a part of the body thereof subject to consideration by the Legislative Assembly. It is an editor's brief statement of the essential features of the measure.

Requires health benefit plans to cover medically necessary dental or orthodontic services for treatment of craniofacial anomalies.

A BILL FOR AN ACT

1
2 Relating to treatment for craniofacial anomalies; creating new provisions; and amending ORS
3 750.055 and 750.333.

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

5 **SECTION 1. Section 2 of this 2012 Act is added to and made a part of the Insurance Code.**

6 **SECTION 2. (1) As used in this section, "craniofacial anomaly" means a physical disorder**
7 **identifiable at birth that affects the bony structures of the face or head, including but not**
8 **limited to cleft palate, cleft lip, craniosynostosis, craniofacial microsomia and Treacher**
9 **Collins syndrome.**

10 **(2) All health benefit plans, as defined in ORS 743.730, providing coverage of hospital,**
11 **surgical or dental services, shall provide coverage for dental and orthodontic services for the**
12 **treatment of craniofacial anomalies if the services are medically necessary to restore func-**
13 **tion.**

14 **(3) This section does not require coverage for the treatment of:**

15 **(a) Developmental maxillofacial conditions that result in overbite, crossbite, malocclusion**
16 **or similar developmental irregularities of the teeth; or**

17 **(b) Temporomandibular joint disorder.**

18 **(4) Coverage required by this section may be subject to copayments, deductibles and**
19 **coinsurance imposed on similar services by the terms of the plan.**

20 **(5) This section does not limit or supersede any coverage required by ORS 743A.028,**
21 **743A.032 or 743A.148.**

22 **(6) This section is exempt from ORS 743A.001.**

23 **SECTION 3. ORS 750.055 is amended to read:**

24 750.055. (1) The following provisions of the Insurance Code apply to health care service con-
25 tractors to the extent not inconsistent with the express provisions of ORS 750.005 to 750.095:

26 (a) ORS 705.137, 705.139, 731.004 to 731.150, 731.162, 731.216 to 731.362, 731.382, 731.385, 731.386,
27 731.390, 731.398 to 731.430, 731.428, 731.450, 731.454, 731.488, 731.504, 731.508, 731.509, 731.510,
28 731.511, 731.512, 731.574 to 731.620, 731.592, 731.594, 731.640 to 731.652, 731.730, 731.731, 731.735,

NOTE: Matter in **boldfaced** type in an amended section is new; matter *[italic and bracketed]* is existing law to be omitted.
New sections are in **boldfaced** type.

1 731.737, 731.750, 731.752, 731.804, 731.844 to 731.992, 731.870 and 743.061.

2 (b) ORS 732.215, 732.220, 732.230, 732.245, 732.250, 732.320, 732.325 and 732.517 to 732.592, not
3 including ORS 732.582.

4 (c) ORS 733.010 to 733.050, 733.080, 733.140 to 733.170, 733.210, 733.510 to 733.680 and 733.695
5 to 733.780.

6 (d) ORS chapter 734.

7 (e) ORS 742.001 to 742.009, 742.013, 742.061, 742.065, 742.150 to 742.162, 742.400, 742.520 to
8 742.540, 743.010, 743.013, 743.018 to 743.030, 743.050, 743.100 to 743.109, 743.402, 743.472, 743.492,
9 743.495, 743.498, 743.499, 743.522, 743.523, 743.524, 743.526, 743.527, 743.528, 743.529, 743.549 to
10 743.552, 743.560, 743.600 to 743.610, 743.650 to 743.656, 743.764, 743.804, 743.807, 743.808, 743.814 to
11 743.839, 743.842, 743.845, 743.847, 743.854, 743.856, 743.857, 743.858, 743.859, 743.861, 743.862, 743.863,
12 743.864, 743.894, 743.911, 743.912, 743.913, 743.917, 743A.010, 743A.012, 743A.020, 743A.034, 743A.036,
13 743A.048, 743A.058, 743A.062, 743A.064, 743A.065, 743A.066, 743A.068, 743A.070, 743A.080, 743A.084,
14 743A.088, 743A.090, 743A.100, 743A.104, 743A.105, 743A.110, 743A.140, 743A.141, 743A.144, 743A.148,
15 743A.160, 743A.164, 743A.168, 743A.170, 743A.175, 743A.184, 743A.185, 743A.188, 743A.190 and
16 743A.192 **and section 2 of this 2012 Act.**

17 (f) The provisions of ORS chapter 744 relating to the regulation of insurance producers.

18 (g) ORS 746.005 to 746.140, 746.160, 746.220 to 746.370, 746.600, 746.605, 746.607, 746.608, 746.610,
19 746.615, 746.625, 746.635, 746.650, 746.655, 746.660, 746.668, 746.670, 746.675, 746.680 and 746.690.

20 (h) ORS 743A.024, except in the case of group practice health maintenance organizations that
21 are federally qualified pursuant to Title XIII of the Public Health Service Act unless the patient is
22 referred by a physician associated with a group practice health maintenance organization.

23 (i) ORS 735.600 to 735.650.

24 (j) ORS 743.680 to 743.689.

25 (k) ORS 744.700 to 744.740.

26 (L) ORS 743.730 to 743.773.

27 (m) ORS 731.485, except in the case of a group practice health maintenance organization that
28 is federally qualified pursuant to Title XIII of the Public Health Service Act and that wholly owns
29 and operates an in-house drug outlet.

30 (2) For the purposes of this section, health care service contractors shall be deemed insurers.

31 (3) Any for-profit health care service contractor organized under the laws of any other state that
32 is not governed by the insurance laws of the other state is subject to all requirements of ORS
33 chapter 732.

34 (4) The Director of the Department of Consumer and Business Services may, after notice and
35 hearing, adopt reasonable rules not inconsistent with this section and ORS 750.003, 750.005, 750.025
36 and 750.045 that are deemed necessary for the proper administration of these provisions.

37 **SECTION 4.** ORS 750.333 is amended to read:

38 750.333. (1) The following provisions of the Insurance Code apply to trusts carrying out a mul-
39 tiple employer welfare arrangement:

40 (a) ORS 731.004 to 731.150, 731.162, 731.216 to 731.268, 731.296 to 731.316, 731.324, 731.328,
41 731.378, 731.386, 731.390, 731.398, 731.406, 731.410, 731.414, 731.418 to 731.434, 731.454, 731.484,
42 731.486, 731.488, 731.512, 731.574 to 731.620, 731.640 to 731.652, 731.804 to 731.992 and 743.061.

43 (b) ORS 733.010 to 733.050, 733.140 to 733.170, 733.210, 733.510 to 733.680 and 733.695 to 733.780.

44 (c) ORS chapter 734.

45 (d) ORS 742.001 to 742.009, 742.013, 742.061 and 742.400.

1 (e) ORS 743.028, 743.053, 743.499, 743.524, 743.526, 743.527, 743.528, 743.529, 743.530, 743.560,
2 743.562, 743.600, 743.601, 743.602, 743.610, 743.730 to 743.773 (except 743.760 to 743.773), 743.801,
3 743.804, 743.807, 743.808, 743.814 to 743.839, 743.842, 743.845, 743.847, 743.854, 743.856, 743.857,
4 743.858, 743.859, 743.861, 743.862, 743.863, 743.864, 743.894, 743.912, 743.917, 743A.012, 743A.020,
5 743A.034, 743A.052, 743A.064, 743A.065, 743A.080, 743A.100, 743A.104, 743A.110, 743A.144, 743A.170,
6 743A.175, 743A.184 and 743A.192 **and section 2 of this 2012 Act.**

7 (f) ORS 743A.010, 743A.014, 743A.024, 743A.028, 743A.032, 743A.036, 743A.040, 743A.048,
8 743A.058, 743A.066, 743A.068, 743A.070, 743A.084, 743A.088, 743A.090, 743A.105, 743A.140, 743A.141,
9 743A.148, 743A.168, 743A.180, 743A.185, 743A.188 and 743A.190. Multiple employer welfare arrange-
10 ments to which ORS 743.730 to 743.773 apply are subject to the sections referred to in this para-
11 graph only as provided in ORS 743.730 to 743.773.

12 (g) Provisions of ORS chapter 744 relating to the regulation of insurance producers and insur-
13 ance consultants, and ORS 744.700 to 744.740.

14 (h) ORS 746.005 to 746.140, 746.160 and 746.220 to 746.370.

15 (i) ORS 731.592 and 731.594.

16 (j) ORS 731.870.

17 (2) For the purposes of this section:

18 (a) A trust carrying out a multiple employer welfare arrangement shall be considered an insurer.

19 (b) References to certificates of authority shall be considered references to certificates of mul-
20 tiple employer welfare arrangement.

21 (c) Contributions shall be considered premiums.

22 (3) The provision of health benefits under ORS 750.301 to 750.341 shall be considered to be the
23 transaction of health insurance.

24 **SECTION 5. Section 2 of this 2012 Act applies to policies or certificates issued or renewed**
25 **on or after the effective date of this 2012 Act.**

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