

A-Engrossed
House Bill 2953

Ordered by the House May 3
Including House Amendments dated May 3

Sponsored by Representative TOMEI; Representatives BEYER, BOONE, BUCKLEY, GILLIAM, GILMAN, HANNA, HOLVEY, JENSON, KOMP

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 bone mass measurements.

Directs Department of Human Services to adopt rules permitting bone densitometry by self-referral.

A BILL FOR AN ACT

1
2 Relating to health benefit plan coverage for bone mass measurements; creating new provisions; and
3 amending ORS 750.055 and 750.333.

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

5 **SECTION 1. Section 2 of this 2007 Act is added to and made a part of the Insurance Code.**

6 **SECTION 2. (1) As used in this section, "bone mass measurement" means a radiologic,**
7 **radioisotopic or other procedure approved by the United States Food and Drug Adminis-**
8 **tration for the purpose of identifying bone mass, detecting bone loss or interpreting bone**
9 **quality.**

10 **(2) A health benefit plan as defined in ORS 743.730 shall provide coverage for bone mass**
11 **measurements as follows:**

12 **(a) For the purpose of diagnosis of osteoporosis in a symptomatic or at-risk individual,**
13 **at any time upon referral of the individual's health care provider.**

14 **(b) Without a referral from the individual's health care provider, every five years for**
15 **women at the beginning of menopause, and every five years for men who are 60 years of age**
16 **or older.**

17 **(3) The coverage required under subsection (2) of this section is subject to the same**
18 **terms and conditions under the policy that apply to other benefits under the policy.**

19 **(4) The provisions of ORS 743.700 do not apply to this section.**

20 **(5) The Department of Human Services shall adopt rules pursuant to ORS 453.605 to**
21 **453.800 to permit bone densitometry by self-referral in accordance with this section.**

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

23 750.055. (1) The following provisions of the Insurance Code apply to health care service con-
24 tractors to the extent not inconsistent with the express provisions of ORS 750.005 to 750.095:

25 (a) ORS 705.137, 705.139, 731.004 to 731.150, 731.162, 731.216 to 731.362, 731.382, 731.385, 731.386,
26 731.390, 731.398 to 731.430, 731.428, 731.450, 731.454, 731.488, 731.504, 731.508, 731.509, 731.510,
27 731.511, 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 and 731.844 to 731.992.

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, 743.412, 743.472,
9 743.492, 743.495, 743.498, 743.522, 743.523, 743.524, 743.526, 743.527, 743.528, 743.529, 743.549 to
10 743.552, 743.556, 743.560, 743.600 to 743.610, 743.650 to 743.656, 743.691, 743.693, 743.694, 743.697,
11 743.699, 743.701, 743.706 to 743.712, 743.721, 743.722, 743.726, 743.727, 743.728, 743.729, 743.793,
12 743.804, 743.807, 743.808, 743.814 to 743.839, 743.842, 743.845, 743.847, 743.854, 743.856, 743.857,
13 743.858, 743.859, 743.861, 743.862, 743.863, 743.864, 743.866 and 743.868 **and section 2 of this 2007**
14 **Act.**

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

16 (g) ORS 746.005 to 746.140, 746.160, 746.220 to 746.370, 746.600, 746.605, 746.607, 746.608, 746.610,
17 746.615, 746.625, 746.635, 746.650, 746.655, 746.660, 746.668, 746.670, 746.675, 746.680 and 746.690.

18 (h) ORS 743.714, except in the case of group practice health maintenance organizations that are
19 federally qualified pursuant to Title XIII of the Public Health Service Act unless the patient is re-
20 ferred by a physician associated with a group practice health maintenance organization.

21 (i) ORS 735.600 to 735.650.

22 (j) ORS 743.680 to 743.689.

23 (k) ORS 744.700 to 744.740.

24 (L) ORS 743.730 to 743.773.

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

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

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

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

35 **SECTION 4.** ORS 750.055, as amended by section 7, chapter 137, Oregon Laws 2003, section 3,
36 chapter 263, Oregon Laws 2003, sections 501 and 502, chapter 22, Oregon Laws 2005, sections 5 and
37 6, chapter 255, Oregon Laws 2005, and section 5, chapter 418, Oregon Laws 2005, is amended to
38 read:

39 750.055. (1) The following provisions of the Insurance Code apply to health care service con-
40 tractors to the extent not inconsistent with the express provisions of ORS 750.005 to 750.095:

41 (a) ORS 705.137, 705.139, 731.004 to 731.150, 731.162, 731.216 to 731.362, 731.382, 731.385, 731.386,
42 731.390, 731.398 to 731.430, 731.428, 731.450, 731.454, 731.488, 731.504, 731.508, 731.509, 731.510,
43 731.511, 731.512, 731.574 to 731.620, 731.592, 731.594, 731.640 to 731.652, 731.730, 731.731, 731.735,
44 731.737, 731.750, 731.752, 731.804 and 731.844 to 731.992.

45 (b) ORS 732.215, 732.220, 732.230, 732.245, 732.250, 732.320, 732.325 and 732.517 to 732.592, not

1 including ORS 732.582.

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

4 (d) ORS chapter 734.

5 (e) ORS 742.001 to 742.009, 742.013, 742.061, 742.065, 742.150 to 742.162, 742.400, 742.520 to
6 742.540, 743.010, 743.013, 743.018 to 743.030, 743.050, 743.100 to 743.109, 743.402, 743.412, 743.472,
7 743.492, 743.495, 743.498, 743.522, 743.523, 743.524, 743.526, 743.527, 743.528, 743.529, 743.549 to
8 743.552, 743.556, 743.560, 743.600 to 743.610, 743.650 to 743.656, 743.691, 743.693, 743.694, 743.697,
9 743.699, 743.701, 743.706 to 743.712, 743.721, 743.722, 743.727, 743.728, 743.729, 743.793, 743.804,
10 743.807, 743.808, 743.814 to 743.839, 743.842, 743.845, 743.847, 743.854, 743.856, 743.857, 743.858,
11 743.859, 743.861, 743.862, 743.863, 743.864, 743.866 and 743.868 **and section 2 of this 2007 Act.**

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

13 (g) ORS 746.005 to 746.140, 746.160, 746.220 to 746.370, 746.600, 746.605, 746.607, 746.608, 746.610,
14 746.615, 746.625, 746.635, 746.650, 746.655, 746.660, 746.668, 746.670, 746.675, 746.680 and 746.690.

15 (h) ORS 743.714, except in the case of group practice health maintenance organizations that are
16 federally qualified pursuant to Title XIII of the Public Health Service Act unless the patient is re-
17 ferred by a physician associated with a group practice health maintenance organization.

18 (i) ORS 735.600 to 735.650.

19 (j) ORS 743.680 to 743.689.

20 (k) ORS 744.700 to 744.740.

21 (L) ORS 743.730 to 743.773.

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

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

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

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

32 **SECTION 5.** ORS 750.333 is amended to read:

33 750.333. (1) The following provisions of the Insurance Code apply to trusts carrying out a mul-
34 tiple employer welfare arrangement:

35 (a) ORS 731.004 to 731.150, 731.162, 731.216 to 731.268, 731.296 to 731.316, 731.324, 731.328,
36 731.378, 731.386, 731.390, 731.398, 731.406, 731.410, 731.414, 731.418 to 731.434, 731.454, 731.484,
37 731.486, 731.488, 731.512, 731.574 to 731.620, 731.640 to 731.652, 731.804 to 731.992.

38 (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.

39 (c) ORS chapter 734.

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

41 (e) ORS 743.028, 743.053, 743.524, 743.526, 743.527, 743.528, 743.529, 743.530, 743.560, 743.562,
42 743.600, 743.601, 743.602, 743.610, 743.691, 743.693, 743.694, 743.699, 743.727, 743.728, 743.730 to
43 743.773 (except 743.760 to 743.773), 743.793, 743.801, 743.804, 743.807, 743.808, 743.814 to 743.839,
44 743.842, 743.845, 743.847, 743.854, 743.856, 743.857, 743.858, 743.859, 743.861, 743.862, 743.863 and
45 743.864.

1 (f) ORS 743.556, 743.701, 743.703, 743.706, 743.707, 743.709, 743.710, 743.712, 743.713, 743.714,
2 743.717, 743.718, 743.719, 743.721, 743.722, 743.725 and 743.726 **and section 2 of this 2007 Act.**
3 Multiple employer welfare arrangements to which ORS 743.730 to 743.773 apply are subject to the
4 sections referred to in this paragraph only as provided in ORS 743.730 to 743.773.

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

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

8 (i) ORS 731.592 and 731.594.

9 (2) For the purposes of this section:

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

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

13 (c) Contributions shall be considered premiums.

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

16 **SECTION 6.** ORS 750.333, as amended by section 4, chapter 263, Oregon Laws 2003, is amended
17 to read:

18 750.333. (1) The following provisions of the Insurance Code apply to trusts carrying out a mul-
19 tiple employer welfare arrangement:

20 (a) ORS 731.004 to 731.150, 731.162, 731.216 to 731.268, 731.296 to 731.316, 731.324, 731.328,
21 731.378, 731.386, 731.390, 731.398, 731.406, 731.410, 731.414, 731.418 to 731.434, 731.454, 731.484,
22 731.486, 731.488, 731.512, 731.574 to 731.620, 731.640 to 731.652, 731.804 to 731.992.

23 (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.

24 (c) ORS chapter 734.

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

26 (e) ORS 743.028, 743.053, 743.524, 743.526, 743.527, 743.528, 743.529, 743.530, 743.560, 743.562,
27 743.600, 743.601, 743.602, 743.610, 743.691, 743.693, 743.694, 743.699, 743.727, 743.728, 743.730 to
28 743.773 (except 743.760 to 743.773), 743.793, 743.801, 743.804, 743.807, 743.808, 743.814 to 743.839,
29 743.842, 743.845, 743.847, 743.854, 743.856, 743.857, 743.858, 743.859, 743.861, 743.862, 743.863 and
30 743.864.

31 (f) ORS 743.556, 743.701, 743.703, 743.706, 743.707, 743.709, 743.710, 743.712, 743.713, 743.714,
32 743.717, 743.718, 743.719, 743.721, 743.722 and 743.725 **and section 2 of this 2007 Act.** Multiple
33 employer welfare arrangements to which ORS 743.730 to 743.773 apply are subject to the sections
34 referred to in this paragraph only as provided in ORS 743.730 to 743.773.

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

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

38 (i) ORS 731.592 and 731.594.

39 (2) For the purposes of this section:

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

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

43 (c) Contributions shall be considered premiums.

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

1 **SECTION 7.** ORS 750.333, as amended by section 8, chapter 137, Oregon Laws 2003, section 4,
2 chapter 263, Oregon Laws 2003, section 3, chapter 446, Oregon Laws 2003, and section 6, chapter
3 418, Oregon Laws 2005, is amended to read:

4 750.333. (1) The following provisions of the Insurance Code apply to trusts carrying out a mul-
5 tiple employer welfare arrangement:

6 (a) ORS 731.004 to 731.150, 731.162, 731.216 to 731.268, 731.296 to 731.316, 731.324, 731.328,
7 731.378, 731.386, 731.390, 731.398, 731.406, 731.410, 731.414, 731.418 to 731.434, 731.454, 731.484,
8 731.486, 731.488, 731.512, 731.574 to 731.620, 731.640 to 731.652, 731.804 to 731.992.

9 (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.

10 (c) ORS chapter 734.

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

12 (e) ORS 743.028, 743.053, 743.524, 743.526, 743.527, 743.528, 743.529, 743.530, 743.560, 743.562,
13 743.600, 743.601, 743.602, 743.610, 743.691, 743.693, 743.694, 743.699, 743.727, 743.728, 743.730 to
14 743.773 (except 743.760 to 743.773), 743.793, 743.801, 743.804, 743.807, 743.808, 743.814 to 743.839,
15 743.842, 743.845, 743.847, 743.854, 743.856, 743.857, 743.858, 743.859, 743.861, 743.862, 743.863 and
16 743.864.

17 (f) ORS 743.556, 743.701, 743.703, 743.706, 743.707, 743.709, 743.710, 743.712, 743.713, 743.714,
18 743.717, 743.718, 743.719, 743.721 and 743.722 **and section 2 of this 2007 Act.** Multiple employer
19 welfare arrangements to which ORS 743.730 to 743.773 apply are subject to the sections referred to
20 in this paragraph only as provided in ORS 743.730 to 743.773.

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

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

24 (i) ORS 731.592 and 731.594.

25 (2) For the purposes of this section:

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

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

29 (c) Contributions shall be considered premiums.

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

32 **SECTION 8. Section 2 of this 2007 Act applies to health benefit plan policies issued or**
33 **renewed on or after the effective date of this 2007 Act.**

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