

SENATE AMENDMENTS TO SENATE BILL 191

By COMMITTEE ON HEALTH AND HUMAN SERVICES

February 27

- 1 On page 1 of the printed bill, line 2, delete “and”.
- 2 In line 3, after “743.655” insert “; and declaring an emergency”.
- 3 On page 9, delete lines 15 through 45 and insert:
- 4 **“SECTION 9. (1) An individual may not sell, solicit or negotiate long term care insurance**
- 5 **unless the individual is licensed as an insurance producer for health or life insurance and**
- 6 **satisfies the following training requirements:**
- 7 **“(a) The individual must complete a one-time training course of not less than eight hours**
- 8 **before selling, soliciting or negotiating long term care insurance; and**
- 9 **“(b) The individual must complete ongoing training of not less than four hours in each**
- 10 **24-month period following the one-time training course.**
- 11 **“(2) The Director of the Department of Consumer and Business Services may approve**
- 12 **as continuing education courses under ORS 744.072 any courses offered to satisfy the train-**
- 13 **ing requirements of this section.**
- 14 **“(3) The training required by this section must consist of topics related to long term care**
- 15 **insurance, long term care services and, if applicable, qualified state long term care insurance**
- 16 **partnership programs, including but not limited to:**
- 17 **“(a) State and federal rules and requirements and the relationship between qualified state**
- 18 **long term care insurance partnership programs and other public and private coverage of long**
- 19 **term care services, including Medicaid.**
- 20 **“(b) Available long term care services and providers.**
- 21 **“(c) Changes or improvements in long term care services or providers.**
- 22 **“(d) Alternatives to the purchase of private long term care insurance.**
- 23 **“(e) The effect of inflation on benefits and the importance of inflation protection.**
- 24 **“(f) Consumer suitability standards and guidelines.**
- 25 **“(4) The training required by this section may not include training that is insurer or**
- 26 **company product specific or that includes any sales or marketing information, materials or**
- 27 **training, other than those required by state or federal law.**
- 28 **“(5) An insurer must:**
- 29 **“(a) Obtain verification that an insurance producer receives training required by this**
- 30 **section before an insurance producer sells, solicits or negotiates the insurer’s long term care**
- 31 **insurance products.**
- 32 **“(b) Maintain records subject to the state’s record retention requirements.**
- 33 **“(c) Make the verification obtained under paragraph (a) of this subsection available to the**
- 34 **director upon request.**
- 35 **“(6) An insurer must maintain records with respect to the training of its insurance pro-**

1 ducers concerning the distribution of its partnership policies that will allow the director to
2 provide assurance to the state Medicaid agency that insurance producers have received
3 training on the topics described in subsection (3)(a) of this section and that insurance pro-
4 ducers have demonstrated an understanding of the partnership policies and their relationship
5 to public and private coverage of long term care, including Medicaid, in this state. An insurer
6 must make the records available to the director upon request.

7 “(7) The satisfaction in any state of the training required by this section is considered
8 to satisfy the training required by this section.

9 “SECTION 9a. An individual who is licensed on the effective date of this 2007 Act and is
10 subject to the requirements of section 9 (1) of this 2007 Act must complete the one-time
11 training course required under section 9 (1) of this 2007 Act not later than January 31,
12 2008.”.

13 On page 10, delete lines 1 through 5.

14 On page 13, line 5, after “in” delete the rest of the line and insert “section 1917(b)(1)(C)(iii) of
15 the Social Security Act.”.

16 After line 16, insert:

17 “SECTION 16. The Director of the Department of Consumer and Business Services may
18 take any action before the operative date of sections 6, 7 and 9 of this 2007 Act and the
19 amendments to ORS 743.650, 743.652, 743.653 and 743.655 by sections 1 to 4 of this 2007 Act
20 that is necessary to enable the director to exercise, on or after the operative date of sections
21 6, 7 and 9 of this 2007 Act and the amendments to ORS 743.650, 743.652, 743.653 and 743.655
22 by sections 1 to 4 of this 2007 Act, all of the duties, functions and powers conferred on the
23 director by this 2007 Act.

24 “SECTION 17. Sections 6, 7 and 9 of this 2007 Act and the amendments to ORS 743.650,
25 743.652, 743.653 and 743.655 by sections 1 to 4 of this 2007 Act become operative on January
26 1, 2008.”.

27 In line 17, delete “16” and insert “18”.

28 After line 19, insert:

29 “SECTION 19. This 2007 Act being necessary for the immediate preservation of the public
30 peace, health and safety, an emergency is declared to exist, and this 2007 Act takes effect
31 on its passage.”.