

Senate Bill 59

Sponsored by Senator BROWN (at the request of Oregon Acupuncture Association) (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 **as introduced**.

Reenacts requirement repealed under automatic repeal provision pertaining to mandated health insurance coverage that health insurance policy that provides for coverage for acupuncture services performed by physician provide coverage for acupuncture services performed by licensed acupuncturist.

Repeals statute subject to automatic repeal provision.

Exempts requirement from automatic repeal provision pertaining to mandated health insurance coverage.

A BILL FOR AN ACT

1
2 Relating to insurance coverage for acupuncture services; creating new provisions; amending ORS
3 743.700, 750.055 and 750.333; and repealing ORS 743.722.

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) An individual or group health insurance policy that provides coverage for
7 acupuncture services performed by a physician shall provide coverage for acupuncture ser-
8 vices performed by an acupuncturist licensed under ORS 677.757 to 677.770.**

9 **(2) The coverage required by subsection (1) of this section may be made subject to pro-
10 visions of the policy that apply to other benefits under the policy, including, but not limited
11 to, provisions related to deductibles and coinsurance and shall be computed in the same
12 manner whether performed by a physician or an acupuncturist, according to the customary
13 and usual fee of acupuncturists in the area served.**

14 **(3) Subsection (1) of this section does not require group practice health maintenance or-
15 ganizations that are federally qualified pursuant to Title XIII subchapter XI of the Public
16 Health Service Act (42 U.S.C. 300e et seq.) to employ acupuncturists licensed under ORS
17 677.757 to 677.770.**

18 **(4) This section also applies to health care service contractors, as defined in ORS 750.005,
19 and trusts carrying out multiple employer welfare arrangements, as defined in ORS 750.301.**

20 **SECTION 3. ORS 743.722 is repealed.**

21 **SECTION 4. ORS 743.700 is amended to read:**

22 743.700. (1) Except as provided in subsection (4) of this section, any statute described in sub-
23 section (2) of this section that becomes effective on or after July 13, 1985, is repealed on the sixth
24 anniversary of the effective date of the statute, unless the Legislative Assembly specifically provides
25 otherwise.

26 (2) This section governs any statute that applies to individual or group health insurance policies
27 and does any of the following:

28 (a) Requires the insurer to include coverage for specific physical or mental conditions or specific

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 hospital, medical, surgical or dental health services.

2 (b) Requires the insurer to include coverage for specified persons.

3 (c) Requires the insurer to provide payment or reimbursement to specified providers of services
4 if the services are within the lawful scope of practice of the provider and the insurance policy pro-
5 vides payment or reimbursement for those services.

6 (d) Requires the insurer to provide any specific coverage on a nondiscriminatory basis.

7 (e) Forbids the insurer to exclude from payment or reimbursement any covered services.

8 (f) Forbids the insurer to exclude coverage of a person because of that person’s medical history.

9 (3) A repeal of a statute under subsection (1) of this section does not apply to any insurance
10 policy in effect on the effective date of the repeal. However, the repeal of the statute applies to a
11 renewal or extension of an existing insurance policy on or after the effective date of the repealer
12 as well as to a new policy issued on or after the effective date of the repealer.

13 (4) This section does not apply to ORS 743.693, 743.727, 743.728 and 743.791 **and section 2 of**
14 **this 2007 Act.**

15 **SECTION 5.** ORS 750.055 is amended to read:

16 750.055. (1) The following provisions of the Insurance Code apply to health care service con-
17 tractors to the extent not inconsistent with the express provisions of ORS 750.005 to 750.095:

18 (a) ORS 705.137, 705.139, 731.004 to 731.150, 731.162, 731.216 to 731.362, 731.382, 731.385, 731.386,
19 731.390, 731.398 to 731.430, 731.428, 731.450, 731.454, 731.488, 731.504, 731.508, 731.509, 731.510,
20 731.511, 731.512, 731.574 to 731.620, 731.592, 731.594, 731.640 to 731.652, 731.730, 731.731, 731.735,
21 731.737, 731.750, 731.752, 731.804 and 731.844 to 731.992.

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

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

26 (d) ORS chapter 734.

27 (e) ORS 742.001 to 742.009, 742.013, 742.061, 742.065, 742.150 to 742.162, 742.400, 742.520 to
28 742.540, 743.010, 743.013, 743.018 to 743.030, 743.050, 743.100 to 743.109, 743.402, 743.412, 743.472,
29 743.492, 743.495, 743.498, 743.522, 743.523, 743.524, 743.526, 743.527, 743.528, 743.529, 743.549 to
30 743.552, 743.556, 743.560, 743.600 to 743.610, 743.650 to 743.656, 743.691, 743.693, 743.694, 743.697,
31 743.699, 743.701, 743.706 to 743.712, 743.721, [743.722,] 743.726, 743.727, 743.728, 743.729, 743.793,
32 743.804, 743.807, 743.808, 743.814 to 743.839, 743.842, 743.845, 743.847, 743.854, 743.856, 743.857,
33 743.858, 743.859, 743.861, 743.862, 743.863, 743.864, 743.866 and 743.868.

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

35 (g) ORS 746.005 to 746.140, 746.160, 746.220 to 746.370, 746.600, 746.605, 746.607, 746.608, 746.610,
36 746.615, 746.625, 746.635, 746.650, 746.655, 746.660, 746.668, 746.670, 746.675, 746.680 and 746.690.

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

40 (i) ORS 735.600 to 735.650.

41 (j) ORS 743.680 to 743.689.

42 (k) ORS 744.700 to 744.740.

43 (L) ORS 743.730 to 743.773.

44 (m) ORS 731.485, except in the case of a group practice health maintenance organization that
45 is federally qualified pursuant to Title XIII of the Public Health Service Act and that wholly owns

1 and operates an in-house drug outlet.

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

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

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

9 **SECTION 6.** ORS 750.055, as amended by section 7, chapter 137, Oregon Laws 2003, section 3,
10 chapter 263, Oregon Laws 2003, sections 501 and 502, chapter 22, Oregon Laws 2005, sections 5 and
11 6, chapter 255, Oregon Laws 2005, and section 5, chapter 418, Oregon Laws 2005, is amended to
12 read:

13 750.055. (1) The following provisions of the Insurance Code apply to health care service con-
14 tractors to the extent not inconsistent with the express provisions of ORS 750.005 to 750.095:

15 (a) ORS 705.137, 705.139, 731.004 to 731.150, 731.162, 731.216 to 731.362, 731.382, 731.385, 731.386,
16 731.390, 731.398 to 731.430, 731.428, 731.450, 731.454, 731.488, 731.504, 731.508, 731.509, 731.510,
17 731.511, 731.512, 731.574 to 731.620, 731.592, 731.594, 731.640 to 731.652, 731.730, 731.731, 731.735,
18 731.737, 731.750, 731.752, 731.804 and 731.844 to 731.992.

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

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

23 (d) ORS chapter 734.

24 (e) ORS 742.001 to 742.009, 742.013, 742.061, 742.065, 742.150 to 742.162, 742.400, 742.520 to
25 742.540, 743.010, 743.013, 743.018 to 743.030, 743.050, 743.100 to 743.109, 743.402, 743.412, 743.472,
26 743.492, 743.495, 743.498, 743.522, 743.523, 743.524, 743.526, 743.527, 743.528, 743.529, 743.549 to
27 743.552, 743.556, 743.560, 743.600 to 743.610, 743.650 to 743.656, 743.691, 743.693, 743.694, 743.697,
28 743.699, 743.701, 743.706 to 743.712, 743.721, [743.722,] 743.727, 743.728, 743.729, 743.793, 743.804,
29 743.807, 743.808, 743.814 to 743.839, 743.842, 743.845, 743.847, 743.854, 743.856, 743.857, 743.858,
30 743.859, 743.861, 743.862, 743.863, 743.864, 743.866 and 743.868.

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

32 (g) ORS 746.005 to 746.140, 746.160, 746.220 to 746.370, 746.600, 746.605, 746.607, 746.608, 746.610,
33 746.615, 746.625, 746.635, 746.650, 746.655, 746.660, 746.668, 746.670, 746.675, 746.680 and 746.690.

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

37 (i) ORS 735.600 to 735.650.

38 (j) ORS 743.680 to 743.689.

39 (k) ORS 744.700 to 744.740.

40 (L) ORS 743.730 to 743.773.

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

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

45 (3) Any for-profit health care service contractor organized under the laws of any other state that

1 is not governed by the insurance laws of the other state is subject to all requirements of ORS
2 chapter 732.

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

6 **SECTION 7.** ORS 750.333 is amended to read:

7 750.333. (1) The following provisions of the Insurance Code apply to trusts carrying out a mul-
8 tiple employer welfare arrangement:

9 (a) ORS 731.004 to 731.150, 731.162, 731.216 to 731.268, 731.296 to 731.316, 731.324, 731.328,
10 731.378, 731.386, 731.390, 731.398, 731.406, 731.410, 731.414, 731.418 to 731.434, 731.454, 731.484,
11 731.486, 731.488, 731.512, 731.574 to 731.620, 731.640 to 731.652, 731.804 to 731.992.

12 (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.

13 (c) ORS chapter 734.

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

15 (e) ORS 743.028, 743.053, 743.524, 743.526, 743.527, 743.528, 743.529, 743.530, 743.560, 743.562,
16 743.600, 743.601, 743.602, 743.610, 743.691, 743.693, 743.694, 743.699, 743.727, 743.728, 743.730 to
17 743.773 (except 743.760 to 743.773), 743.793, 743.801, 743.804, 743.807, 743.808, 743.814 to 743.839,
18 743.842, 743.845, 743.847, 743.854, 743.856, 743.857, 743.858, 743.859, 743.861, 743.862, 743.863 and
19 743.864.

20 (f) ORS 743.556, 743.701, 743.703, 743.706, 743.707, 743.709, 743.710, 743.712, 743.713, 743.714,
21 743.717, 743.718, 743.719, 743.721, [743.722,] 743.725 and 743.726. Multiple employer welfare arrange-
22 ments to which ORS 743.730 to 743.773 apply are subject to the sections referred to in this para-
23 graph only as provided in ORS 743.730 to 743.773.

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

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

27 (i) ORS 731.592 and 731.594.

28 (2) For the purposes of this section:

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

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

32 (c) Contributions shall be considered premiums.

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

35 **SECTION 8.** ORS 750.333, as amended by section 4, chapter 263, Oregon Laws 2003, is amended
36 to read:

37 750.333. (1) The following provisions of the Insurance Code apply to trusts carrying out a mul-
38 tiple employer welfare arrangement:

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

42 (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.

43 (c) ORS chapter 734.

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

45 (e) ORS 743.028, 743.053, 743.524, 743.526, 743.527, 743.528, 743.529, 743.530, 743.560, 743.562,

1 743.600, 743.601, 743.602, 743.610, 743.691, 743.693, 743.694, 743.699, 743.727, 743.728, 743.730 to
 2 743.773 (except 743.760 to 743.773), 743.793, 743.801, 743.804, 743.807, 743.808, 743.814 to 743.839,
 3 743.842, 743.845, 743.847, 743.854, 743.856, 743.857, 743.858, 743.859, 743.861, 743.862, 743.863 and
 4 743.864.

5 (f) ORS 743.556, 743.701, 743.703, 743.706, 743.707, 743.709, 743.710, 743.712, 743.713, 743.714,
 6 743.717, 743.718, 743.719, 743.721[, 743.722] and 743.725. Multiple employer welfare arrangements to
 7 which ORS 743.730 to 743.773 apply are subject to the sections referred to in this paragraph only
 8 as provided in ORS 743.730 to 743.773.

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

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

12 (i) ORS 731.592 and 731.594.

13 (2) For the purposes of this section:

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

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

17 (c) Contributions shall be considered premiums.

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

20 **SECTION 9.** ORS 750.333, as amended by section 8, chapter 137, Oregon Laws 2003, section 3,
 21 chapter 446, Oregon Laws 2003, and section 6, chapter 418, Oregon Laws 2005, is amended to read:

22 750.333. (1) The following provisions of the Insurance Code apply to trusts carrying out a mul-
 23 tiple employer welfare arrangement:

24 (a) ORS 731.004 to 731.150, 731.162, 731.216 to 731.268, 731.296 to 731.316, 731.324, 731.328,
 25 731.378, 731.386, 731.390, 731.398, 731.406, 731.410, 731.414, 731.418 to 731.434, 731.454, 731.484,
 26 731.486, 731.488, 731.512, 731.574 to 731.620, 731.640 to 731.652, 731.804 to 731.992.

27 (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.

28 (c) ORS chapter 734.

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

30 (e) ORS 743.028, 743.053, 743.524, 743.526, 743.527, 743.528, 743.529, 743.530, 743.560, 743.562,
 31 743.600, 743.601, 743.602, 743.610, 743.691, 743.693, 743.694, 743.699, 743.727, 743.728, 743.730 to
 32 743.773 (except 743.760 to 743.773), 743.793, 743.801, 743.804, 743.807, 743.808, 743.814 to 743.839,
 33 743.842, 743.845, 743.847, 743.854, 743.856, 743.857, 743.858, 743.859, 743.861, 743.862, 743.863 and
 34 743.864.

35 (f) ORS 743.556, 743.701, 743.703, 743.706, 743.707, 743.709, 743.710, 743.712, 743.713, 743.714,
 36 743.717, 743.718, 743.719[,] **and** 743.721 [*and* 743.722]. Multiple employer welfare arrangements to
 37 which ORS 743.730 to 743.773 apply are subject to the sections referred to in this paragraph only
 38 as provided in ORS 743.730 to 743.773.

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

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

42 (i) ORS 731.592 and 731.594.

43 (2) For the purposes of this section:

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

45 (b) References to certificates of authority shall be considered references to certificates of mul-

1 tiple employer welfare arrangement.

2 (c) Contributions shall be considered premiums.

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

5 **SECTION 10. Section 2 of this 2007 Act and the amendments to ORS 743.700, 750.055 and**
6 **750.333 by sections 4 to 9 of this 2007 Act apply to health insurance policies issued or renewed**
7 **on or after the effective date of this 2007 Act.**

8
