

A-Engrossed Senate Bill 8

Ordered by the Senate April 11
Including Senate Amendments dated April 11

Sponsored by Senator COURTNEY; Senators BATES, MORRISETTE, Representatives GILLIAM, GREENLICK, TOMEI

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 plan that covers chemotherapy to cover orally administered [*agents*] **anticancer medication** as part of medical benefit.

A BILL FOR AN ACT

1
2 Relating to health benefit plan coverage of chemotherapy; creating new provisions; and amending
3 ORS 750.055 and 750.333.

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

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

6 **SECTION 2. (1) A health benefit plan that provides coverage for cancer chemotherapy**
7 **treatment must provide coverage for a prescribed, orally administered anticancer medication**
8 **used to kill or slow the growth of cancerous cells on a basis no less favorable than**
9 **intravenously administered or injected cancer medications that are covered as medical ben-**
10 **efits.**

11 **(2) As used in this section, "health benefit plan" has the meaning given that term in ORS**
12 **743.730.**

13 **(3) The provisions of ORS 743.700 do not apply to this section.**

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

15 750.055. (1) The following provisions of the Insurance Code apply to health care service con-
16 tractors to the extent not inconsistent with the express provisions of ORS 750.005 to 750.095:

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

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

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

25 (d) ORS chapter 734.

26 (e) ORS 742.001 to 742.009, 742.013, 742.061, 742.065, 742.150 to 742.162, 742.400, 742.520 to
27 742.540, 743.010, 743.013, 743.018 to 743.030, 743.050, 743.100 to 743.109, 743.402, 743.412, 743.472,
28 743.492, 743.495, 743.498, 743.522, 743.523, 743.524, 743.526, 743.527, 743.528, 743.529, 743.549 to

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.

1 743.552, 743.556, 743.560, 743.600 to 743.610, 743.650 to 743.656, 743.691, 743.693, 743.694, 743.697,
2 743.699, 743.701, 743.706 to 743.712, 743.721, 743.722, 743.726, 743.727, 743.728, 743.729, 743.793,
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, 743.866 and 743.868 **and section 2 of this 2007**
5 **Act.**

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

7 (g) ORS 746.005 to 746.140, 746.160, 746.220 to 746.370, 746.600, 746.605, 746.607, 746.608, 746.610,
8 746.615, 746.625, 746.635, 746.650, 746.655, 746.660, 746.668, 746.670, 746.675, 746.680 and 746.690.

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

12 (i) ORS 735.600 to 735.650.

13 (j) ORS 743.680 to 743.689.

14 (k) ORS 744.700 to 744.740.

15 (L) ORS 743.730 to 743.773.

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

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

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

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

26 **SECTION 4.** ORS 750.055, as amended by section 7, chapter 137, Oregon Laws 2003, section 3,
27 chapter 263, Oregon Laws 2003, sections 501 and 502, chapter 22, Oregon Laws 2005, sections 5 and
28 6, chapter 255, Oregon Laws 2005, and section 5, chapter 418, Oregon Laws 2005, is amended to
29 read:

30 750.055. (1) The following provisions of the Insurance Code apply to health care service con-
31 tractors to the extent not inconsistent with the express provisions of ORS 750.005 to 750.095:

32 (a) ORS 705.137, 705.139, 731.004 to 731.150, 731.162, 731.216 to 731.362, 731.382, 731.385, 731.386,
33 731.390, 731.398 to 731.430, 731.428, 731.450, 731.454, 731.488, 731.504, 731.508, 731.509, 731.510,
34 731.511, 731.512, 731.574 to 731.620, 731.592, 731.594, 731.640 to 731.652, 731.730, 731.731, 731.735,
35 731.737, 731.750, 731.752, 731.804 and 731.844 to 731.992.

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

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

40 (d) ORS chapter 734.

41 (e) ORS 742.001 to 742.009, 742.013, 742.061, 742.065, 742.150 to 742.162, 742.400, 742.520 to
42 742.540, 743.010, 743.013, 743.018 to 743.030, 743.050, 743.100 to 743.109, 743.402, 743.412, 743.472,
43 743.492, 743.495, 743.498, 743.522, 743.523, 743.524, 743.526, 743.527, 743.528, 743.529, 743.549 to
44 743.552, 743.556, 743.560, 743.600 to 743.610, 743.650 to 743.656, 743.691, 743.693, 743.694, 743.697,
45 743.699, 743.701, 743.706 to 743.712, 743.721, 743.722, 743.727, 743.728, 743.729, 743.793, 743.804,

1 743.807, 743.808, 743.814 to 743.839, 743.842, 743.845, 743.847, 743.854, 743.856, 743.857, 743.858,
2 743.859, 743.861, 743.862, 743.863, 743.864, 743.866 and 743.868 **and section 2 of this 2007 Act.**

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

4 (g) ORS 746.005 to 746.140, 746.160, 746.220 to 746.370, 746.600, 746.605, 746.607, 746.608, 746.610,
5 746.615, 746.625, 746.635, 746.650, 746.655, 746.660, 746.668, 746.670, 746.675, 746.680 and 746.690.

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

9 (i) ORS 735.600 to 735.650.

10 (j) ORS 743.680 to 743.689.

11 (k) ORS 744.700 to 744.740.

12 (L) ORS 743.730 to 743.773.

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

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

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

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

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

24 750.333. (1) The following provisions of the Insurance Code apply to trusts carrying out a mul-
25 tiple employer welfare arrangement:

26 (a) ORS 731.004 to 731.150, 731.162, 731.216 to 731.268, 731.296 to 731.316, 731.324, 731.328,
27 731.378, 731.386, 731.390, 731.398, 731.406, 731.410, 731.414, 731.418 to 731.434, 731.454, 731.484,
28 731.486, 731.488, 731.512, 731.574 to 731.620, 731.640 to 731.652, 731.804 to 731.992.

29 (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.

30 (c) ORS chapter 734.

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

32 (e) ORS 743.028, 743.053, 743.524, 743.526, 743.527, 743.528, 743.529, 743.530, 743.560, 743.562,
33 743.600, 743.601, 743.602, 743.610, 743.691, 743.693, 743.694, 743.699, 743.727, 743.728, 743.730 to
34 743.773 (except 743.760 to 743.773), 743.793, 743.801, 743.804, 743.807, 743.808, 743.814 to 743.839,
35 743.842, 743.845, 743.847, 743.854, 743.856, 743.857, 743.858, 743.859, 743.861, 743.862, 743.863 and
36 743.864.

37 (f) ORS 743.556, 743.701, 743.703, 743.706, 743.707, 743.709, 743.710, 743.712, 743.713, 743.714,
38 743.717, 743.718, 743.719, 743.721, 743.722, 743.725 and 743.726 **and section 2 of this 2007 Act.**
39 Multiple employer welfare arrangements to which ORS 743.730 to 743.773 apply are subject to the
40 sections referred to in this paragraph only as provided in ORS 743.730 to 743.773.

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

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

44 (i) ORS 731.592 and 731.594.

45 (2) For the purposes of this section:

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

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

4 (c) Contributions shall be considered premiums.

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

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

9 750.333. (1) The following provisions of the Insurance Code apply to trusts carrying out a mul-
10 tiple employer welfare arrangement:

11 (a) ORS 731.004 to 731.150, 731.162, 731.216 to 731.268, 731.296 to 731.316, 731.324, 731.328,
12 731.378, 731.386, 731.390, 731.398, 731.406, 731.410, 731.414, 731.418 to 731.434, 731.454, 731.484,
13 731.486, 731.488, 731.512, 731.574 to 731.620, 731.640 to 731.652, 731.804 to 731.992.

14 (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.

15 (c) ORS chapter 734.

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

17 (e) ORS 743.028, 743.053, 743.524, 743.526, 743.527, 743.528, 743.529, 743.530, 743.560, 743.562,
18 743.600, 743.601, 743.602, 743.610, 743.691, 743.693, 743.694, 743.699, 743.727, 743.728, 743.730 to
19 743.773 (except 743.760 to 743.773), 743.793, 743.801, 743.804, 743.807, 743.808, 743.814 to 743.839,
20 743.842, 743.845, 743.847, 743.854, 743.856, 743.857, 743.858, 743.859, 743.861, 743.862, 743.863 and
21 743.864.

22 (f) ORS 743.556, 743.701, 743.703, 743.706, 743.707, 743.709, 743.710, 743.712, 743.713, 743.714,
23 743.717, 743.718, 743.719, 743.721, 743.722 and 743.725 **and section 2 of this 2007 Act.** Multiple
24 employer welfare arrangements to which ORS 743.730 to 743.773 apply are subject to the sections
25 referred to in this paragraph only as provided in ORS 743.730 to 743.773.

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

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

29 (i) ORS 731.592 and 731.594.

30 (2) For the purposes of this section:

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

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

34 (c) Contributions shall be considered premiums.

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

37 **SECTION 7.** ORS 750.333, as amended by section 8, chapter 137, Oregon Laws 2003, section 4,
38 chapter 263, Oregon Laws 2003, section 3, chapter 446, Oregon Laws 2003, and section 6, chapter
39 418, Oregon Laws 2005, is amended to read:

40 750.333. (1) The following provisions of the Insurance Code apply to trusts carrying out a mul-
41 tiple employer welfare arrangement:

42 (a) ORS 731.004 to 731.150, 731.162, 731.216 to 731.268, 731.296 to 731.316, 731.324, 731.328,
43 731.378, 731.386, 731.390, 731.398, 731.406, 731.410, 731.414, 731.418 to 731.434, 731.454, 731.484,
44 731.486, 731.488, 731.512, 731.574 to 731.620, 731.640 to 731.652, 731.804 to 731.992.

45 (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.

- 1 (c) ORS chapter 734.
- 2 (d) ORS 742.001 to 742.009, 742.013, 742.061 and 742.400.
- 3 (e) ORS 743.028, 743.053, 743.524, 743.526, 743.527, 743.528, 743.529, 743.530, 743.560, 743.562,
4 743.600, 743.601, 743.602, 743.610, 743.691, 743.693, 743.694, 743.699, 743.727, 743.728, 743.730 to
5 743.773 (except 743.760 to 743.773), 743.793, 743.801, 743.804, 743.807, 743.808, 743.814 to 743.839,
6 743.842, 743.845, 743.847, 743.854, 743.856, 743.857, 743.858, 743.859, 743.861, 743.862, 743.863 and
7 743.864.
- 8 (f) ORS 743.556, 743.701, 743.703, 743.706, 743.707, 743.709, 743.710, 743.712, 743.713, 743.714,
9 743.717, 743.718, 743.719, 743.721 and 743.722 **and section 2 of this 2007 Act**. Multiple employer
10 welfare arrangements to which ORS 743.730 to 743.773 apply are subject to the sections referred to
11 in this paragraph 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 (2) For the purposes of this section:
 - 17 (a) A trust carrying out a multiple employer welfare arrangement shall be considered an insurer.
 - 18 (b) References to certificates of authority shall be considered references to certificates of mul-
19 tiple employer welfare arrangement.
 - 20 (c) Contributions shall be considered premiums.
- 21 (3) The provision of health benefits under ORS 750.301 to 750.341 shall be considered to be the
22 transaction of health insurance.
- 23 **SECTION 8. Section 2 of this 2007 Act applies to health benefit plan policies issued or**
24 **renewed on or after the effective date of this 2007 Act.**
- 25