

**2009 Regular Legislative Session**  
**FISCAL ANALYSIS OF PROPOSED LEGISLATION**  
**Prepared by the Oregon Legislative Fiscal Office**

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**MEASURE NUMBER:** SB 489

**STATUS:** Original

**SUBJECT:** An enrollee in a health benefit plan has a private right of action against an insurer who fails to comply with a decision of an independent review organization after agreeing to be bound by that decision.

**GOVERNMENT UNIT AFFECTED:** Department of Consumer and Business Services

**PREPARED BY:** Robin LaMonte

**REVIEWED BY:** Susie Jordan

**DATE:** March 5, 2009

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	<u>2009-2011</u>	<u>2011-2013</u>
<b>EXPENDITURES:</b> See Comments		

**EFFECTIVE DATE:** The measure has an emergency clause and is effective on passage.

**GOVERNOR'S BUDGET:** This bill is not anticipated by the Governor's recommended budget.

**LOCAL GOVERNMENT MANDATE:** This bill does not affect local governments' service levels or shared revenues sufficient to trigger Section 15, Article XI of the Oregon Constitution.

**ANALYSIS:** SB 489 gives an enrollee in a health benefit plan a private cause of action against an insurer who fails to comply with a decision of an independent review organization after agreeing to be bound by that decision.

The Department of Consumer and Business Services (DCBS) estimates a minimal workload from the provisions of the bill. However, DCBS also notes that there is a potential indeterminate impact to Oregon Medical Insurance Pool (OMIP) assessment rates if this measure increases health insurer liabilities and rates.