

House Bill 2361

Sponsored by Representative ROBLAN (at the request of David R. Anderson) (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**.

Requires health benefit plan to cover drug containing pseudoephedrine for allergy symptoms if plan covers prescription drugs for allergy symptoms.

Adds orthotic and prosthetic devices to cross-references for coverage by health care service contractors and multiple employer welfare arrangements.

A BILL FOR AN ACT

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

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

5 **SECTION 1. Section 2 of this 2009 Act is added to and made a part of ORS chapter 743A.**

6 **SECTION 2. (1) A health benefit plan, as defined in ORS 743.730, that provides coverage
7 for a drug prescribed for the relief of allergy symptoms must provide coverage for a drug
8 containing pseudoephedrine if:**

9 **(a) The drug is prescribed for the relief of allergy symptoms; and**

10 **(b) Except for ORS 475.973, the drug could be sold over the counter without a pre-
11 scription.**

12 **(2) The coverage required under subsection (1) of this section is subject to the same
13 terms and conditions under the plan that apply to other prescription drug benefits under the
14 plan.**

15 **(3) This section is exempt from ORS 743A.001.**

16 **SECTION 3. ORS 750.055, as amended by section 5, chapter 22, Oregon Laws 2008, is amended
17 to read:**

18 750.055. (1) The following provisions of the Insurance Code apply to health care service con-
19 tractors to the extent not inconsistent with the express provisions of ORS 750.005 to 750.095:

20 (a) ORS 705.137, 705.139, 731.004 to 731.150, 731.162, 731.216 to 731.362, 731.382, 731.385, 731.386,
21 731.390, 731.398 to 731.430, 731.428, 731.450, 731.454, 731.488, 731.504, 731.508, 731.509, 731.510,
22 731.511, 731.512, 731.574 to 731.620, 731.592, 731.594, 731.640 to 731.652, 731.730, 731.731, 731.735,
23 731.737, 731.750, 731.752, 731.804 and 731.844 to 731.992 and section 2, chapter 22, Oregon Laws 2008.

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

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

28 (d) ORS chapter 734.

29 (e) ORS 742.001 to 742.009, 742.013, 742.061, 742.065, 742.150 to 742.162, 742.400, 742.520 to
30 742.540, 743.010, 743.013, 743.018 to 743.030, 743.050, 743.100 to 743.109, 743.402, 743.472, 743.492,

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.

1 743.495, 743.498, 743.522, 743.523, 743.524, 743.526, 743.527, 743.528, 743.529, 743.549 to 743.552,
 2 743.560, 743.600 to 743.610, 743.650 to 743.664, 743.804, 743.807, 743.808, 743.814 to 743.839, 743.842,
 3 743.845, 743.847, 743.854, 743.856, 743.857, 743.858, 743.859, 743.861, 743.862, 743.863, 743.864, 743.911,
 4 743.913, 743A.010, 743A.012, **743A.020**, 743A.036, 743A.048, 743A.062, 743A.064, 743A.066, 743A.068,
 5 743A.070, 743A.080, 743A.084, 743A.088, 743A.090, 743A.100, 743A.104, 743A.110, 743A.140, **743A.144**,
 6 743A.148, 743A.160, 743A.164, 743A.168, 743A.184, 743A.188 and 743A.190 **and section 2 of this 2009**
 7 **Act.**

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

9 (g) ORS 746.005 to 746.140, 746.160, 746.220 to 746.370, 746.600, 746.605, 746.607, 746.608, 746.610,
 10 746.615, 746.625, 746.635, 746.650, 746.655, 746.660, 746.668, 746.670, 746.675, 746.680 and 746.690.

11 (h) ORS 743A.024, except in the case of group practice health maintenance organizations that
 12 are federally qualified pursuant to Title XIII of the Public Health Service Act unless the patient is
 13 referred by a physician associated with a group practice health maintenance organization.

14 (i) ORS 735.600 to 735.650.

15 (j) ORS 743.680 to 743.689.

16 (k) ORS 744.700 to 744.740.

17 (L) ORS 743.730 to 743.773.

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

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

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

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

28 **SECTION 4.** ORS 750.055, as amended by section 7, chapter 137, Oregon Laws 2003, section 3,
 29 chapter 263, Oregon Laws 2003, sections 501 and 502, chapter 22, Oregon Laws 2005, sections 5 and
 30 6, chapter 255, Oregon Laws 2005, section 5, chapter 418, Oregon Laws 2005, section 3, chapter 128,
 31 Oregon Laws 2007, section 9, chapter 182, Oregon Laws 2007, section 6, chapter 313, Oregon Laws
 32 2007, section 4, chapter 504, Oregon Laws 2007, section 4, chapter 566, Oregon Laws 2007, section
 33 4, chapter 872, Oregon Laws 2007, and section 6, chapter 22, Oregon Laws 2008, is amended to read:

34 750.055. (1) The following provisions of the Insurance Code apply to health care service con-
 35 tractors to the extent not inconsistent with the express provisions of ORS 750.005 to 750.095:

36 (a) ORS 705.137, 705.139, 731.004 to 731.150, 731.162, 731.216 to 731.362, 731.382, 731.385, 731.386,
 37 731.390, 731.398 to 731.430, 731.428, 731.450, 731.454, 731.488, 731.504, 731.508, 731.509, 731.510,
 38 731.511, 731.512, 731.574 to 731.620, 731.592, 731.594, 731.640 to 731.652, 731.730, 731.731, 731.735,
 39 731.737, 731.750, 731.752, 731.804 and 731.844 to 731.992 and section 2, chapter 22, Oregon Laws 2008.

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

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

44 (d) ORS chapter 734.

45 (e) ORS 742.001 to 742.009, 742.013, 742.061, 742.065, 742.150 to 742.162, 742.400, 742.520 to

1 742.540, 743.010, 743.013, 743.018 to 743.030, 743.050, 743.100 to 743.109, 743.402, 743.472, 743.492,
 2 743.495, 743.498, 743.522, 743.523, 743.524, 743.526, 743.527, 743.528, 743.529, 743.549 to 743.552,
 3 743.560, 743.600 to 743.610, 743.650 to 743.656, 743.804, 743.807, 743.808, 743.814 to 743.839, 743.842,
 4 743.845, 743.847, 743.854, 743.856, 743.857, 743.858, 743.859, 743.861, 743.862, 743.863, 743.864, 743.911,
 5 743.913, 743A.010, 743A.012, **743A.020**, 743A.036, 743A.048, 743A.062, 743A.064, 743A.066, 743A.068,
 6 743A.070, 743A.080, 743A.084, 743A.088, 743A.090, 743A.100, 743A.104, 743A.110, 743A.140, **743A.144**,
 7 743A.148, 743A.160, 743A.164, 743A.168, 743A.184 and 743A.190 **and section 2 of this 2009 Act.**

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

9 (g) ORS 746.005 to 746.140, 746.160, 746.220 to 746.370, 746.600, 746.605, 746.607, 746.608, 746.610,
 10 746.615, 746.625, 746.635, 746.650, 746.655, 746.660, 746.668, 746.670, 746.675, 746.680 and 746.690.

11 (h) ORS 743A.024, except in the case of group practice health maintenance organizations that
 12 are federally qualified pursuant to Title XIII of the Public Health Service Act unless the patient is
 13 referred by a physician associated with a group practice health maintenance organization.

14 (i) ORS 735.600 to 735.650.

15 (j) ORS 743.680 to 743.689.

16 (k) ORS 744.700 to 744.740.

17 (L) ORS 743.730 to 743.773.

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

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

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

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

28 **SECTION 5.** ORS 750.333, as amended by section 7, chapter 22, Oregon Laws 2008, is amended
 29 to read:

30 750.333. (1) The following provisions of the Insurance Code apply to trusts carrying out a mul-
 31 tiple employer welfare arrangement:

32 (a) ORS 731.004 to 731.150, 731.162, 731.216 to 731.268, 731.296 to 731.316, 731.324, 731.328,
 33 731.378, 731.386, 731.390, 731.398, 731.406, 731.410, 731.414, 731.418 to 731.434, 731.454, 731.484,
 34 731.486, 731.488, 731.512, 731.574 to 731.620, 731.640 to 731.652 and 731.804 to 731.992.

35 (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.

36 (c) ORS chapter 734.

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

38 (e) ORS 743.028, 743.053, 743.524, 743.526, 743.527, 743.528, 743.529, 743.530, 743.560, 743.562,
 39 743.600, 743.601, 743.602, 743.610, 743.730 to 743.773 (except 743.760 to 743.773), 743.801, 743.804,
 40 743.807, 743.808, 743.814 to 743.839, 743.842, 743.845, 743.847, 743.854, 743.856, 743.857, 743.858,
 41 743.859, 743.861, 743.862, 743.863, 743.864, 743A.012, **743A.020**, 743A.064, 743A.080, 743A.100,
 42 743A.104, 743A.110, **743A.144** and 743A.184 **and section 2 of this 2009 Act.**

43 (f) ORS 743A.010, 743A.014, 743A.024, 743A.028, 743A.032, 743A.036, 743A.040, 743A.044,
 44 743A.048, 743A.066, 743A.068, 743A.084, 743A.088, 743A.090, 743A.140, 743A.148, 743A.168, 743A.180,
 45 743A.188 and 743A.190. Multiple employer welfare arrangements to which ORS 743.730 to 743.773

1 apply are subject to the sections referred to in this paragraph only as provided in ORS 743.730 to
2 743.773.

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

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

6 (i) ORS 731.592 and 731.594.

7 (j) Section 2, chapter 22, Oregon Laws 2008.

8 (2) For the purposes of this section:

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

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

12 (c) Contributions shall be considered premiums.

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

15 **SECTION 6.** ORS 750.333, as amended by section 4, chapter 263, Oregon Laws 2003, section 11,
16 chapter 182, Oregon Laws 2007, section 8, chapter 313, Oregon Laws 2007, section 6, chapter 504,
17 Oregon Laws 2007, section 6, chapter 566, Oregon Laws 2007, section 6, chapter 872, Oregon Laws
18 2007, and section 8, chapter 22, Oregon Laws 2008, is amended to read:

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

21 (a) ORS 731.004 to 731.150, 731.162, 731.216 to 731.268, 731.296 to 731.316, 731.324, 731.328,
22 731.378, 731.386, 731.390, 731.398, 731.406, 731.410, 731.414, 731.418 to 731.434, 731.454, 731.484,
23 731.486, 731.488, 731.512, 731.574 to 731.620, 731.640 to 731.652 and 731.804 to 731.992.

24 (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.

25 (c) ORS chapter 734.

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

27 (e) ORS 743.028, 743.053, 743.524, 743.526, 743.527, 743.528, 743.529, 743.530, 743.560, 743.562,
28 743.600, 743.601, 743.602, 743.610, 743.730 to 743.773 (except 743.760 to 743.773), 743.801, 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, 743A.012, **743A.020**, 743A.064, 743A.080, 743A.100,
31 743A.104, 743A.110, **743A.144** and 743A.184 **and section 2 of this 2009 Act.**

32 (f) ORS 743A.010, 743A.014, 743A.024, 743A.028, 743A.032, 743A.036, 743A.040, 743A.044,
33 743A.048, 743A.066, 743A.068, 743A.084, 743A.088, 743A.090, 743A.140, 743A.148, 743A.168, 743A.180
34 and 743A.190. Multiple employer welfare arrangements to which ORS 743.730 to 743.773 apply are
35 subject to the sections referred to in this paragraph only as provided in ORS 743.730 to 743.773.

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

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

39 (i) ORS 731.592 and 731.594.

40 (j) Section 2, chapter 22, Oregon Laws 2008.

41 (2) For the purposes of this section:

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

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

45 (c) Contributions shall be considered premiums.

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

3 **SECTION 7.** ORS 750.333, as amended by section 8, chapter 137, Oregon Laws 2003, section 4,
 4 chapter 263, Oregon Laws 2003, section 3, chapter 446, Oregon Laws 2003, section 6, chapter 418,
 5 Oregon Laws 2005, section 12, chapter 182, Oregon Laws 2007, section 9, chapter 313, Oregon Laws
 6 2007, section 7, chapter 504, Oregon Laws 2007, section 7, chapter 566, Oregon Laws 2007, section
 7 7, chapter 872, Oregon Laws 2007, and section 9, chapter 22, Oregon Laws 2008, is amended to read:

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

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

13 (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.

14 (c) ORS chapter 734.

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

16 (e) ORS 743.028, 743.053, 743.524, 743.526, 743.527, 743.528, 743.529, 743.530, 743.560, 743.562,
 17 743.600, 743.601, 743.602, 743.610, 743.730 to 743.773 (except 743.760 to 743.773), 743.801, 743.804,
 18 743.807, 743.808, 743.814 to 743.839, 743.842, 743.845, 743.847, 743.854, 743.856, 743.857, 743.858,
 19 743.859, 743.861, 743.862, 743.863, 743.864, 743A.012, **743A.020**, 743A.064, 743A.080, 743A.100,
 20 743A.104, 743A.110, **743A.144** and 743A.184 **and section 2 of this 2009 Act.**

21 (f) ORS 743A.010, 743A.014, 743A.024, 743A.028, 743A.032, 743A.036, 743A.040, 743A.048,
 22 743A.066, 743A.068, 743A.084, 743A.088, 743A.090, 743A.140, 743A.148, 743A.168, 743A.180 and
 23 743A.190. Multiple employer welfare arrangements to which ORS 743.730 to 743.773 apply are sub-
 24 ject to the sections referred to in this paragraph only as provided in ORS 743.730 to 743.773.

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

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

28 (i) ORS 731.592 and 731.594.

29 (j) Section 2, chapter 22, Oregon Laws 2008.

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 8. Section 2 of this 2009 Act and the amendments to ORS 750.055 and 750.333**
 38 **by sections 3 to 7 of this 2009 Act apply to health benefit plan policies or certificates issued**
 39 **or renewed on or after the effective date of this 2009 Act.**