

**Enrolled**  
**House Bill 2118**

Introduced and printed pursuant to House Rule 12.00. Pre-session filed (at the request of House Interim Committee on Health Care)

CHAPTER .....

AN ACT

Relating to qualified health plans offered through the Oregon Health Insurance Exchange; and declaring an emergency.

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

**SECTION 1. (1) There is created a nine-member health plan quality metrics work group, consisting of:**

**(a) One member appointed by the executive director of the Oregon Health Insurance Exchange Corporation;**

**(b) One member appointed by the Oregon Health Authority;**

**(c) One member appointed by the Oregon Educators Benefit Board;**

**(d) One member appointed by the Public Employees' Benefit Board; and**

**(e) Five members appointed by the executive director of the Oregon Health Insurance Exchange Corporation, in consultation with the Director of the Oregon Health Authority, the Oregon Educators Benefit Board and the Public Employees' Benefit Board, including:**

**(A) One individual with expertise in health care research;**

**(B) One individual with expertise in health care quality measures;**

**(C) One representative of insurers;**

**(D) One representative of consumers of health care; and**

**(E) One representative of a self-insured large employer.**

**(2)(a) The work group shall publish recommendations for appropriate health outcomes and quality measures to be used by the corporation, the authority and the boards. In developing the measures, the work group shall consider other state and national health outcomes and quality measures and methodologies.**

**(b) To the extent practicable, the work group shall recommend measures that further the goals of the Oregon Integrated and Coordinated Health Care Delivery System while recognizing the unique needs and goals of the corporation, the authority and the boards.**

**(3) The work group shall utilize available health outcomes and quality measures and the data systems for reporting the measures and minimize redundant reporting or the reporting of data with limited value.**

**(4) The work group shall develop a common format for collecting consumer responses to the health quality measures and encourage the corporation, the authority and the boards to publicly report the findings.**

**(5)(a) The work group shall report its progress to the 2014 regular session of the Legislative Assembly.**

(b) No later than May 31, 2014, the work group shall provide to the appropriate interim committees of the Legislative Assembly a final report of the work group's recommendations and any steps taken by the corporation, the authority and the boards to implement the recommendations.

(6) The corporation shall provide staff support for the work group.

**SECTION 2.** (1) The Oregon Health Insurance Exchange Corporation may serve by regular mail or, if requested by the recipient, by electronic mail a notice described in ORS 183.415 of the corporation's determination of:

(a) A person's eligibility to purchase or to continue to purchase a qualified health plan through the health insurance exchange;

(b) A person's eligibility for a premium tax credit for purchasing a qualified health plan or the amount of the person's premium tax credit; or

(c) A person's eligibility for cost-sharing reductions for qualified health plans and the amount of the person's cost-sharing reduction.

(2) The legal presumption described in ORS 40.135 (1)(q) does not apply to a notice that is served by regular or electronic mail in accordance with subsection (1) of this section.

(3) Except as provided in subsection (4) of this section, a contested case notice served in accordance with subsection (1) of this section that complies with ORS 183.415 but for service by regular or electronic mail becomes a final order against a party and is not subject to ORS 183.470 (2), upon the earlier of the following:

(a) If the party fails to request a hearing, the day after the date prescribed in the notice as the deadline for requesting a hearing.

(b) The date the corporation or the Office of Administrative Hearings mails an order dismissing a hearing request because:

(A) The party withdraws the request for hearing; or

(B) Neither the party nor the party's representative appears on the date and at the time set for hearing.

(4) The corporation shall prescribe by rule a period of not less than 60 days after a notice becomes a final order under subsection (3) of this section within which a party may request a hearing under this subsection. If a party requests a hearing within the period prescribed under this subsection, the corporation shall do one of the following:

(a) If the corporation finds that the party did not receive the written notice and did not have actual knowledge of the notice, refer the request for hearing to the Office of Administrative Hearings for a contested case proceeding on the merits of the corporation's intended action described in the notice.

(b) Refer the request for hearing to the Office of Administrative Hearings for a contested case proceeding to determine whether the party received the written notice or had actual knowledge of the notice. The corporation must show that the party had actual knowledge of the notice or that the corporation mailed the notice to the party's correct address or sent an electronic notice to the party's correct electronic mail address.

(5) If a party informs the corporation that the party did not receive a notice served by regular or electronic mail in accordance with subsection (1) of this section, the corporation shall advise the party of the right to request a hearing under subsection (4) of this section.

**SECTION 3.** Section 1 of this 2013 Act is repealed upon the convening of the 2015 regular session of the Legislative Assembly.

**SECTION 4.** This 2013 Act being necessary for the immediate preservation of the public peace, health and safety, an emergency is declared to exist, and this 2013 Act takes effect on its passage.

**Passed by House June 25, 2013**

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Ramona J. Line, Chief Clerk of House

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Tina Kotek, Speaker of House

**Passed by Senate June 29, 2013**

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Peter Courtney, President of Senate

**Received by Governor:**

.....M,....., 2013

**Approved:**

.....M,....., 2013

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John Kitzhaber, Governor

**Filed in Office of Secretary of State:**

.....M,....., 2013

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Kate Brown, Secretary of State