

## HOUSE AMENDMENTS TO A-ENGROSSED HOUSE BILL 2118

By JOINT COMMITTEE ON WAYS AND MEANS

June 24

1 On page 2 of the printed A-engrossed bill, after line 16, insert:

2 **“SECTION 2. (1) The Oregon Health Insurance Exchange Corporation may serve by reg-**  
3 **ular mail or, if requested by the recipient, by electronic mail a notice described in ORS**  
4 **183.415 of the corporation’s determination of:**

5 **“(a) A person’s eligibility to purchase or to continue to purchase a qualified health plan**  
6 **through the health insurance exchange;**

7 **“(b) A person’s eligibility for a premium tax credit for purchasing a qualified health plan**  
8 **or the amount of the person’s premium tax credit; or**

9 **“(c) A person’s eligibility for cost-sharing reductions for qualified health plans and the**  
10 **amount of the person’s cost-sharing reduction.**

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

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

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

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

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

22 **“(B) Neither the party nor the party’s representative appears on the date and at the time**  
23 **set for hearing.**

24 **“(4) The corporation shall prescribe by rule a period of not less than 60 days after a no-**  
25 **tice becomes a final order under subsection (3) of this section within which a party may re-**  
26 **quest a hearing under this subsection. If a party requests a hearing within the period**  
27 **prescribed under this subsection, the corporation shall do one of the following:**

28 **“(a) If the corporation finds that the party did not receive the written notice and did not**  
29 **have actual knowledge of the notice, refer the request for hearing to the Office of Adminis-**  
30 **trative Hearings for a contested case proceeding on the merits of the corporation’s intended**  
31 **action described in the notice.**

32 **“(b) Refer the request for hearing to the Office of Administrative Hearings for a con-**  
33 **tested case proceeding to determine whether the party received the written notice or had**  
34 **actual knowledge of the notice. The corporation must show that the party had actual**  
35 **knowledge of the notice or that the corporation mailed the notice to the party’s correct ad-**

1 **dress or sent an electronic notice to the party's correct electronic mail address.**

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

6 In line 17, delete “2” and insert “3”.

7 In line 19, delete “3” and insert “4”.

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