

**A-Engrossed**  
**House Bill 2128**

Ordered by the House April 9  
Including House Amendments dated April 9

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

**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 Oregon Health Insurance Exchange Corporation and Oregon Educators Benefit Board to reach agreement on plans offered through exchange to educators. [*Requires that same rate apply to plans offered by board outside of exchange as identical plan offered through exchange.*] **Requires that all plans offered by board be underwritten based upon entire risk pool of eligible school districts and employees of districts.**

**A BILL FOR AN ACT**

1  
2 Relating to health benefit plans for Oregon educators; amending ORS 741.310.

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

4 **SECTION 1.** ORS 741.310, as amended by section 10, chapter 38, Oregon Laws 2012, and section  
5 96, chapter 107, Oregon Laws 2012, is amended to read:

6 741.310. (1) The following individuals and groups may purchase qualified health plans through  
7 the health insurance exchange:

8 (a) Beginning January 1, 2014:

9 (A) Individuals and families; and

10 (B) Employers with no more than 50 employees.

11 (b) Beginning October 1, 2015, districts and eligible employees of districts that are subject to  
12 ORS 243.886, unless their participation is precluded by federal law.

13 (c) Beginning January 1, 2016, employers with 51 to 100 employees.

14 (2)(a) Only individuals who purchase health plans through the exchange may be eligible to re-  
15 ceive premium tax credits under section 36B of the Internal Revenue Code and reduced cost-sharing  
16 under 42 U.S.C. 18071.

17 (b) Only employers that purchase health plans through the exchange may be eligible to receive  
18 small employer health insurance credits under section 45R of the Internal Revenue Code.

19 (3) Only an insurer that has a certificate of authority to transact insurance in this state and  
20 that meets applicable federal requirements for participating in the exchange may offer a qualified  
21 health plan through the exchange. Any qualified health plan must be certified under subsection (4)  
22 of this section. Prepaid managed care health services organizations that do not have a certificate  
23 of authority to transact insurance may serve only medical assistance recipients through the ex-  
24 change and may not offer qualified health plans.

25 (4)(a) The Oregon Health Insurance Exchange Corporation shall adopt by rule uniform require-  
26 ments, standards and criteria for the certification of qualified health plans, including requirements

**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 that a qualified health plan provide, at a minimum, essential health benefits and have acceptable  
2 consumer and provider satisfaction ratings.

3 (b) The corporation may limit the number of qualified health plans that may be offered through  
4 the exchange as long as the same limit applies to all insurers.

5 (c) The corporation [*shall consult with stakeholders, including but not limited to representatives*  
6 *of school administrators, school board members and school employees, regarding*] **and the Oregon**  
7 **Educators Benefit Board must agree on the plans and insurers** that may be offered through the  
8 exchange to districts and eligible employees of districts under subsection (1)(b) of this section.

9 (5) Notwithstanding subsection (4) of this section, the corporation shall certify as qualified a  
10 dental only health plan as permitted by federal law.

11 (6) The corporation shall establish one streamlined and seamless application and enrollment  
12 process for both the exchange and the state medical assistance program.

13 (7) The corporation, in collaboration with the appropriate state authorities, may establish risk  
14 mediation programs within the exchange.

15 (8) The corporation shall establish by rule a process for certifying insurance producers to fa-  
16 cilitate the transaction of insurance through the exchange, in accordance with federal standards and  
17 policies.

18 (9) The corporation shall ensure, as required by federal laws, that an insurer charges the same  
19 premiums for plans sold through the exchange as for identical plans sold outside of the exchange.

20 (10) The corporation is authorized to enter into contracts for the performance of duties, func-  
21 tions or operations of the exchange, including but not limited to contracting with:

22 (a) All insurers that meet the requirements of subsections (3) and (4) of this section, to offer  
23 qualified health plans through the exchange; and

24 (b) Navigators certified by the corporation under ORS 741.002.

25 **(11) The Oregon Educators Benefit Board and the corporation shall adopt rules to ensure**  
26 **that any plan offered to districts and eligible employees of districts under subsection (1)(b)**  
27 **of this section is underwritten based on the entire risk pool described in subsection (1)(b)**  
28 **of this section, regardless of whether the plan is offered through the exchange or outside of**  
29 **the exchange.**

30 ~~[(11)]~~ (12) The corporation is authorized to apply for and accept federal grants, other federal  
31 funds and grants from nongovernmental organizations for purposes of developing, implementing and  
32 administering the exchange. Moneys received under this subsection shall be deposited in an account  
33 established under ORS 741.101.

34 **SECTION 2.** ORS 741.310, as amended by section 12, chapter 415, Oregon Laws 2011, section  
35 11, chapter 38, Oregon Laws 2012, and section 97, chapter 107, Oregon Laws 2012, is amended to  
36 read:

37 741.310. (1) The following individuals and groups may purchase qualified health plans through  
38 the health insurance exchange:

39 (a) Individuals and families;

40 (b) Employers with no more than 100 employees; and

41 (c) Districts and eligible employees of districts that are subject to ORS 243.886, unless their  
42 participation is precluded by federal law.

43 (2)(a) Only individuals who purchase health plans through the exchange may be eligible to re-  
44 ceive premium tax credits under section 36B of the Internal Revenue Code and reduced cost-sharing  
45 under 42 U.S.C. 18071.

1 (b) Only employers that purchase health plans through the exchange may be eligible to receive  
2 small employer health insurance credits under section 45R of the Internal Revenue Code.

3 (3) Only an insurer that has a certificate of authority to transact insurance in this state and  
4 that meets applicable federal requirements for participating in the exchange may offer a qualified  
5 health plan through the exchange. Any qualified health plan must be certified under subsection (4)  
6 of this section. Prepaid managed care health services organizations that do not have a certificate  
7 of authority to transact insurance may serve only medical assistance recipients through the ex-  
8 change and may not offer qualified health plans.

9 (4)(a) The Oregon Health Insurance Exchange Corporation shall adopt by rule uniform require-  
10 ments, standards and criteria for the certification of qualified health plans, including requirements  
11 that a qualified health plan provide, at a minimum, essential health benefits and have acceptable  
12 consumer and provider satisfaction ratings.

13 (b) The corporation may limit the number of qualified health plans that may be offered through  
14 the exchange as long as the same limit applies to all insurers.

15 (c) The corporation [*shall consult with stakeholders, including but not limited to representatives*  
16 *of school administrators, school board members and school employees, regarding*] **and the Oregon**  
17 **Educators Benefit Board must agree on the plans and insurers** that may be offered through the  
18 exchange to districts and eligible employees of districts under subsection (1)(c) of this section.

19 (5) Notwithstanding subsection (4) of this section, the corporation shall certify as qualified a  
20 dental only health plan as permitted by federal law.

21 (6) The corporation shall establish one streamlined and seamless application and enrollment  
22 process for both the exchange and the state medical assistance program.

23 (7) The corporation, in collaboration with the appropriate state authorities, may establish risk  
24 mediation programs within the exchange.

25 (8) The corporation shall establish by rule a process for certifying insurance producers to fa-  
26 cilitate the transaction of insurance through the exchange, in accordance with federal standards and  
27 policies.

28 (9) The corporation shall ensure, as required by federal laws, that an insurer charges the same  
29 premiums for plans sold through the exchange as for identical plans sold outside of the exchange.

30 (10) The corporation is authorized to enter into contracts for the performance of duties, func-  
31 tions or operations of the exchange, including but not limited to contracting with:

32 (a) Insurers that meet the requirements of subsections (3) and (4) of this section, to offer quali-  
33 fied health plans through the exchange; and

34 (b) Navigators certified by the corporation under ORS 741.002.

35 **(11) The Oregon Educators Benefit Board and the corporation shall adopt rules to ensure**  
36 **that any plan offered to districts and eligible employees of districts under subsection (1)(c)**  
37 **of this section is underwritten based on the entire risk pool described in subsection (1)(c) of**  
38 **this section, regardless of whether the plan is offered through the exchange or outside of the**  
39 **exchange.**

40 [(11)] (12) The corporation is authorized to apply for and accept federal grants, other federal  
41 funds and grants from nongovernmental organizations for purposes of developing, implementing and  
42 administering the exchange. Moneys received under this subsection shall be deposited in an account  
43 established under ORS 741.101.