

Enrolled
House Bill 4050

Sponsored by Representative HARKER, Senator STEINER HAYWARD; Representatives BUCKLEY, CLEM, FREEMAN, GOMBERG, GORSEK, GREENLICK, HANNA, HOYLE, KENNEMER, KENY-GUYER, KOMP, KOTEK, LIVELY, NATHANSON, THOMPSON, WEIDNER, Senators BATES, BEYER, KNOPP, KRUSE, MONNES ANDERSON, ROBLAN (Pre-session filed.)

CHAPTER

AN ACT

Relating to insurance against the risk of economic loss assumed under a less than fully insured employee health benefit plan; amending ORS 742.065; and declaring an emergency.

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

SECTION 1. ORS 742.065 is amended to read:

742.065. (1) Insurance against the risk of economic loss assumed under a less than fully insured employee health benefit plan, whether issued or delivered as health or casualty insurance, is subject to the following:

(a) The policy must be issued to and insure the employer, the trustee or other sponsor of the plan, or the plan itself, but not the employees, members or participants;

(b) [Payment by] The insurer [must be made to] **shall pay** the employer, [to] the trustee or other sponsor of the plan, or [to] the plan itself, [but] not [to] the employees, members, participants or health care providers;

(c) If the policy establishes an aggregate attaching point or retention, the point or retention must not be less than 120 percent of the expected claims; and

(d) If the policy establishes an attaching point or retention applicable to each individual covered by the plan, the point or retention must not be less than \$10,000.

(2) Insurance against the risk of economic loss assumed under a less than fully insured employee health benefit plan, whether issued or delivered as health or casualty insurance, is subject to this section and to ORS 743.523, 743.524 and 743.526, but is [otherwise] not subject to **other** provisions of ORS chapters 743 and 743A.

[3] *An insurer shall not issue or deliver to a small employer, as defined in ORS 743.730, a policy of insurance against the risk of economic loss assumed under a less than fully insured employee health benefit plan.*

SECTION 2. This 2014 Act being necessary for the immediate preservation of the public peace, health and safety, an emergency is declared to exist, and this 2014 Act takes effect on its passage.

Passed by House February 13, 2014

Repassed by House February 26, 2014

.....
Ramona J. Line, Chief Clerk of House

.....
Tina Kotek, Speaker of House

Passed by Senate February 25, 2014

.....
Peter Courtney, President of Senate

Received by Governor:

.....M.,....., 2014

Approved:

.....M.,....., 2014

.....
John Kitzhaber, Governor

Filed in Office of Secretary of State:

.....M.,....., 2014

.....
Kate Brown, Secretary of State