

# House Bill 2298

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

## 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**.

Permits pharmacists to provide pharmacotherapy services to patients. Requires health insurers to provide payment or reimbursement for services provided by pharmacist under clinical pharmacy agreement. Defines "clinical pharmacy agreement."

## A BILL FOR AN ACT

1  
2 Relating to clinical pharmacy services; creating new provisions; and amending ORS 689.005, 750.055  
3 and 750.333.

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

5 **SECTION 1. Section 2 of this 2015 Act is added to and made a part of ORS chapter 689.**

6 **SECTION 2. In accordance with rules adopted by the State Board of Pharmacy under  
7 ORS 689.205, a pharmacist may:**

8 **(1) Provide pharmacotherapy services to patients of the pharmacist, including but not  
9 limited to, smoking cessation, emergency contraception and travel medication; and**

10 **(2) Practice clinical pharmacy.**

11 **SECTION 3. ORS 689.005 is amended to read:**

12 689.005. As used in this chapter:

13 (1) "Administer" means the direct application of a drug or device whether by injection,  
14 inhalation, ingestion, or any other means, to the body of a patient or research subject by:

15 (a) A practitioner or the practitioner's authorized agent; or

16 (b) The patient or research subject at the direction of the practitioner.

17 (2) "Approved continuing pharmacy education program" means those seminars, classes,  
18 meetings, workshops and other educational programs on the subject of pharmacy approved by the  
19 board.

20 (3) "Board of pharmacy" or "board" means the State Board of Pharmacy.

21 (4) **"Clinical pharmacy agreement" means an agreement between one or more  
22 pharmacists in a pharmacy and a health care organization or one or more practitioners that  
23 permits the pharmacist or pharmacists to practice clinical pharmacy for the benefit of the  
24 patients of the health care organization or practitioner.**

25 [(4)] (5) "Continuing pharmacy education" means:

26 (a) Professional, pharmaceutical post-graduate education in the general areas of socio-economic  
27 and legal aspects of health care;

28 (b) The properties and actions of drugs and dosage forms; and

29 (c) The etiology, characteristics and therapeutics of the disease state.

30 [(5)] (6) "Continuing pharmacy education unit" means the unit of measurement of credits for

**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 approved continuing education courses and programs.

2 [(6)] (7) “Deliver” or “delivery” means the actual, constructive or attempted transfer of a drug  
3 or device other than by administration from one person to another, whether or not for a consider-  
4 ation.

5 [(7)] (8) “Device” means an instrument, apparatus, implement, machine, contrivance, implant, in  
6 vitro reagent or other similar or related article, including any component part or accessory, which  
7 is required under federal or state law to be prescribed by a practitioner and dispensed by a  
8 pharmacist.

9 [(8)] (9) “Dispense” or “dispensing” means the preparation and delivery of a prescription drug  
10 pursuant to a lawful order of a practitioner in a suitable container appropriately labeled for subse-  
11 quent administration to or use by a patient or other individual entitled to receive the prescription  
12 drug.

13 [(9)] (10) “Distribute” means the delivery of a drug other than by administering or dispensing.

14 [(10)] (11) “Drug” means:

15 (a) Articles recognized as drugs in the official United States Pharmacopoeia, official National  
16 Formulary, official Homeopathic Pharmacopoeia, other drug compendium or any supplement to any  
17 of them;

18 (b) Articles intended for use in the diagnosis, cure, mitigation, treatment or prevention of dis-  
19 ease in a human or other animal;

20 (c) Articles, other than food, intended to affect the structure or any function of the body of hu-  
21 mans or other animals; and

22 (d) Articles intended for use as a component of any articles specified in paragraph (a), (b) or (c)  
23 of this subsection.

24 [(11)] (12) “Drug order” means a written order, in a hospital or other inpatient care facility, for  
25 an ultimate user of any drug or device issued and signed by a practitioner, or an order transmitted  
26 by other means of communication from a practitioner, that is immediately reduced to writing by a  
27 pharmacist, licensed nurse or other practitioner.

28 [(12)] (13) “Drug outlet” means any pharmacy, nursing home, shelter home, convalescent home,  
29 extended care facility, drug abuse treatment center, penal institution, hospital, family planning  
30 clinic, student health center, retail store, wholesaler, manufacturer, mail-order vendor or other es-  
31 tablishment with facilities located within or out of this state that is engaged in dispensing, delivery  
32 or distribution of drugs within this state.

33 [(13)] (14) “Drug room” means a secure and lockable location within an inpatient care facility  
34 that does not have a licensed pharmacy.

35 [(14)] (15) “Electronically transmitted” or “electronic transmission” means a communication sent  
36 or received through technological apparatuses, including computer terminals or other equipment or  
37 mechanisms linked by telephone or microwave relays, or any similar apparatus having electrical,  
38 digital, magnetic, wireless, optical, electromagnetic or similar capabilities.

39 [(15)] (16) “Institutional drug outlet” means hospitals and inpatient care facilities where  
40 medications are dispensed to another health care professional for administration to patients served  
41 by the hospitals or facilities.

42 [(16)] (17) “Intern” means a person who is enrolled in or has completed a course of study at a  
43 school or college of pharmacy approved by the board and who is licensed with the board as an in-  
44 tern.

45 [(17)] (18) “Internship” means a professional experiential program approved by the board under

1 the supervision of a licensed pharmacist registered with the board as a preceptor.

2 [(18)] (19) "Itinerant vendor" means a person who sells or distributes nonprescription drugs by  
 3 passing from house to house, or by haranguing the people on the public streets or in public places,  
 4 or who uses the customary devices for attracting crowds, recommending their wares and offering  
 5 them for sale.

6 [(19)] (20) "Labeling" means the process of preparing and affixing of a label to any drug con-  
 7 tainer exclusive, however, of the labeling by a manufacturer, packer or distributor of a  
 8 nonprescription drug or commercially packaged legend drug or device.

9 [(20)] (21) "Manufacture" means the production, preparation, propagation, compounding, con-  
 10 version or processing of a device or a drug, either directly or indirectly by extraction from sub-  
 11 stances of natural origin or independently by means of chemical synthesis or by a combination of  
 12 extraction and chemical synthesis and includes any packaging or repackaging of the substances or  
 13 labeling or relabeling of its container, except that this term does not include the preparation or  
 14 compounding of a drug by an individual for their own use or the preparation, compounding, pack-  
 15 aging or labeling of a drug:

16 (a) By a practitioner as an incident to administering or dispensing of a drug in the course of  
 17 professional practice; or

18 (b) By a practitioner or by the practitioner's authorization under supervision of the practitioner  
 19 for the purpose of or as an incident to research, teaching or chemical analysis and not for sale.

20 [(21)] (22) "Manufacturer" means a person engaged in the manufacture of drugs.

21 [(22)] (23) "Nonprescription drug outlet" means shopkeepers and itinerant vendors registered  
 22 under ORS 689.305.

23 [(23)] (24) "Nonprescription drugs" means drugs which may be sold without a prescription and  
 24 which are prepackaged for use by the consumer and labeled in accordance with the requirements  
 25 of the statutes and regulations of this state and the federal government.

26 [(24)] (25) "Person" means an individual, corporation, partnership, association or any other legal  
 27 entity.

28 [(25)] (26) "Pharmacist" means an individual licensed by this state to engage in the practice of  
 29 pharmacy.

30 [(26)] (27) "Pharmacy" means a place that meets the requirements of rules of the board, is li-  
 31 censed and approved by the board where the practice of pharmacy may lawfully occur and includes  
 32 apothecaries, drug stores, dispensaries, hospital outpatient pharmacies, pharmacy departments and  
 33 prescription laboratories but does not include a place used by a manufacturer or wholesaler.

34 [(27)] (28) "Pharmacy technician" means a person licensed by the State Board of Pharmacy who  
 35 assists the pharmacist in the practice of pharmacy pursuant to rules of the board.

36 (29) "Practice of clinical pharmacy" means:

37 (a) **The health science discipline in which a pharmacist provides post-diagnostic patient**  
 38 **care to optimize medication therapy and promote the patient's health, wellness and disease**  
 39 **prevention in conjunction with a patient's other practitioners;**

40 (b) **The practice of pharmacy by one or more pharmacists in a pharmacy pursuant to a**  
 41 **clinical pharmacy agreement; and**

42 (c) **The provision of services, including medication therapy management, chronic disease**  
 43 **management, comprehensive medication review and post-diagnostic disease state manage-**  
 44 **ment services, to patients pursuant to a clinical pharmacy agreement.**

45 [(28)] (30) "Practice of pharmacy" means:

- 1 (a) The interpretation and evaluation of prescription orders;
  - 2 (b) The compounding, dispensing and labeling of drugs and devices, except labeling by a man-  
3 ufacturer, packer or distributor of nonprescription drugs and commercially packaged legend drugs  
4 and devices;
  - 5 (c) The prescribing and administering of vaccines and immunizations pursuant to ORS 689.645;
  - 6 (d) The administering of drugs and devices to the extent permitted under ORS 689.655;
  - 7 (e) The participation in drug selection and drug utilization reviews;
  - 8 (f) The proper and safe storage of drugs and devices and the maintenance of proper records  
9 therefor;
  - 10 (g) The responsibility for advising, where necessary or where regulated, of therapeutic values,  
11 content, hazards and use of drugs and devices;
  - 12 (h) The monitoring of therapeutic response or adverse effect to drug therapy; and
  - 13 (i) The offering or performing of those acts, services, operations or transactions necessary in the  
14 conduct, operation, management and control of pharmacy.
- 15 [(29)] **(31)** "Practitioner" means a person licensed and operating within the scope of such license  
16 to prescribe, dispense, conduct research with respect to or administer drugs in the course of pro-  
17 fessional practice or research:
- 18 (a) In this state; or
  - 19 (b) In another state or territory of the United States if the person does not reside in Oregon and  
20 is registered under the federal Controlled Substances Act.
- 21 [(30)] **(32)** "Preceptor" means a pharmacist or a person licensed by the board to supervise the  
22 internship training of a licensed intern.
- 23 [(31)] **(33)** "Prescription drug" or "legend drug" means a drug which is:
- 24 (a) Required by federal law, prior to being dispensed or delivered, to be labeled with either of  
25 the following statements:
    - 26 (A) "Caution: Federal law prohibits dispensing without prescription"; or
    - 27 (B) "Caution: Federal law restricts this drug to use by or on the order of a licensed  
28 veterinarian"; or
  - 29 (b) Required by any applicable federal or state law or regulation to be dispensed on prescription  
30 only or is restricted to use by practitioners only.
- 31 [(32)] **(34)** "Prescription" or "prescription drug order" means a written, oral or electronically  
32 transmitted direction, given by a practitioner authorized to prescribe drugs, for the preparation and  
33 use of a drug. When the context requires, "prescription" also means the drug prepared under such  
34 written, oral or electronically transmitted direction.
- 35 [(33)] **(35)** "Retail drug outlet" means a place used for the conduct of the retail sale, adminis-  
36 tering or dispensing or compounding of drugs or chemicals or for the administering or dispensing  
37 of prescriptions and licensed by the board as a place wherein the practice of pharmacy may lawfully  
38 occur.
- 39 [(34)] **(36)** "Shopkeeper" means a business or other establishment, open to the general public, for  
40 the sale or nonprofit distribution of drugs.
- 41 [(35)] **(37)** "Unit dose" means a sealed single-unit container so designed that the contents are  
42 administered to the patient as a single dose, direct from the container. Each unit dose container  
43 must bear a separate label, be labeled with the name and strength of the medication, the name of  
44 the manufacturer or distributor, an identifying lot number and, if applicable, the expiration date of  
45 the medication.

1 [(36)] (38) “Wholesale drug outlet” means any person who imports, stores, distributes or sells for  
 2 resale any drugs including legend drugs and nonprescription drugs.

3 **SECTION 4. Section 5 of this 2015 Act is added to and made a part of the Insurance Code.**

4 **SECTION 5. (1) For purposes of this section, “clinical pharmacy agreement” has the**  
 5 **meaning given that term in ORS 689.005.**

6 **(2) Notwithstanding any provisions of a health benefit plan as defined in ORS 743.730,**  
 7 **whenever the plan provides for payment or reimbursement for a service that is within the**  
 8 **lawful scope of practice of a licensed pharmacist, the insurer shall provide payment or re-**  
 9 **imbursement for the service when the service is provided pursuant to a clinical pharmacy**  
 10 **agreement.**

11 **SECTION 6.** ORS 750.055, as amended by section 5, chapter 25, Oregon Laws 2014, and section  
 12 80, chapter 45, Oregon Laws 2014, is amended to read:

13 750.055. (1) The following provisions of the Insurance Code apply to health care service con-  
 14 tractors to the extent not inconsistent with the express provisions of ORS 750.005 to 750.095:

15 (a) ORS 705.137, 705.139, 731.004 to 731.150, 731.162, 731.216 to 731.362, 731.382, 731.385, 731.386,  
 16 731.390, 731.398 to 731.430, 731.428, 731.450, 731.454, 731.488, 731.504, 731.508, 731.509, 731.510,  
 17 731.511, 731.512, 731.574 to 731.620, 731.592, 731.594, 731.640 to 731.652, 731.730, 731.731, 731.735,  
 18 731.737, 731.750, 731.752, 731.804, 731.844 to 731.992, 731.870 and 743.061.

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

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

23 (d) ORS chapter 734.

24 (e) ORS 742.001 to 742.009, 742.013, 742.061, 742.065, 742.150 to 742.162, 742.400, 742.520 to  
 25 742.540, 743.010, 743.013, 743.018 to 743.030, 743.050, 743.100 to 743.109, 743.402, 743.472, 743.492,  
 26 743.495, 743.498, 743.499, 743.522, 743.523, 743.524, 743.526, 743.527, 743.528, 743.529, 743.550 to  
 27 743.552, 743.560, 743.600 to 743.610, 743.650 to 743.656, 743.764, 743.804, 743.807, 743.808, 743.814 to  
 28 743.839, 743.845, 743.847, 743.854, 743.856, 743.857, 743.858, 743.859, 743.861, 743.862, 743.863, 743.864,  
 29 743.894, 743.911, 743.912, 743.913, 743.917, 743A.010, 743A.012, 743A.020, 743A.034, 743A.036,  
 30 743A.048, 743A.058, 743A.062, 743A.064, 743A.065, 743A.066, 743A.068, 743A.070, 743A.080, 743A.082,  
 31 743A.084, 743A.088, 743A.090, 743A.100, 743A.104, 743A.105, 743A.110, 743A.140, 743A.141, 743A.144,  
 32 743A.148, 743A.150, 743A.160, 743A.164, 743A.168, 743A.170, 743A.175, 743A.184, 743A.185, 743A.188,  
 33 743A.190, 743A.192 and 743A.250 and section 2, chapter 771, Oregon Laws 2013, and section 2,  
 34 chapter 25, Oregon Laws 2014, **and section 5 of this 2015 Act.**

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

36 (g) ORS 746.005 to 746.140, 746.160, 746.220 to 746.370, 746.600, 746.605, 746.607, 746.608, 746.610,  
 37 746.615, 746.625, 746.635, 746.650, 746.655, 746.660, 746.668, 746.670, 746.675, 746.680 and 746.690.

38 (h) ORS 743A.024, except in the case of group practice health maintenance organizations that  
 39 are federally qualified pursuant to Title XIII of the Public Health Service Act unless the patient is  
 40 referred by a physician, physician assistant or nurse practitioner associated with a group practice  
 41 health maintenance organization.

42 (i) ORS 735.600 to 735.650.

43 (j) ORS 743.680 to 743.689.

44 (k) ORS 744.700 to 744.740.

45 (L) ORS 743.730 to 743.773.

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

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

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

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

11 **SECTION 7.** ORS 750.055, as amended by section 33, chapter 698, Oregon Laws 2013, section  
 12 6, chapter 25, Oregon Laws 2014, and section 81, chapter 45, Oregon Laws 2014, is amended to read:

13 750.055. (1) The following provisions of the Insurance Code apply to health care service con-  
 14 tractors to the extent not inconsistent with the express provisions of ORS 750.005 to 750.095:

15 (a) ORS 705.137, 705.139, 731.004 to 731.150, 731.162, 731.216 to 731.362, 731.382, 731.385, 731.386,  
 16 731.390, 731.398 to 731.430, 731.428, 731.450, 731.454, 731.488, 731.504, 731.508, 731.509, 731.510,  
 17 731.511, 731.512, 731.574 to 731.620, 731.592, 731.594, 731.640 to 731.652, 731.730, 731.731, 731.735,  
 18 731.737, 731.750, 731.752, 731.804, 731.844 to 731.992, 731.870 and 743.061.

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

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

23 (d) ORS chapter 734.

24 (e) ORS 742.001 to 742.009, 742.013, 742.061, 742.065, 742.150 to 742.162, 742.400, 742.520 to  
 25 742.540, 743.010, 743.013, 743.018 to 743.030, 743.050, 743.100 to 743.109, 743.402, 743.472, 743.492,  
 26 743.495, 743.498, 743.499, 743.522, 743.523, 743.524, 743.526, 743.527, 743.528, 743.529, 743.550, 743.552,  
 27 743.560, 743.600 to 743.610, 743.650 to 743.656, 743.764, 743.804, 743.807, 743.808, 743.814 to 743.839,  
 28 743.845, 743.847, 743.854, 743.856, 743.857, 743.858, 743.859, 743.861, 743.862, 743.863, 743.864, 743.894,  
 29 743.911, 743.912, 743.913, 743.917, 743A.010, 743A.012, 743A.020, 743A.034, 743A.036, 743A.048,  
 30 743A.058, 743A.062, 743A.064, 743A.065, 743A.066, 743A.068, 743A.070, 743A.080, 743A.082, 743A.084,  
 31 743A.088, 743A.090, 743A.100, 743A.104, 743A.105, 743A.110, 743A.140, 743A.141, 743A.144, 743A.148,  
 32 743A.150, 743A.160, 743A.164, 743A.168, 743A.170, 743A.175, 743A.184, 743A.185, 743A.188, 743A.190,  
 33 743A.192 and 743A.250 and section 2, chapter 771, Oregon Laws 2013, and section 2, chapter 25,  
 34 Oregon Laws 2014, **and section 5 of this 2015 Act.**

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

36 (g) ORS 746.005 to 746.140, 746.160, 746.220 to 746.370, 746.600, 746.605, 746.607, 746.608, 746.610,  
 37 746.615, 746.625, 746.635, 746.650, 746.655, 746.660, 746.668, 746.670, 746.675, 746.680 and 746.690.

38 (h) ORS 743A.024, except in the case of group practice health maintenance organizations that  
 39 are federally qualified pursuant to Title XIII of the Public Health Service Act unless the patient is  
 40 referred by a physician, physician assistant or nurse practitioner associated with a group practice  
 41 health maintenance organization.

42 (i) ORS 743.680 to 743.689.

43 (j) ORS 744.700 to 744.740.

44 (k) ORS 743.730 to 743.773.

45 (L) ORS 731.485, except in the case of a group practice health maintenance organization that is

1 federally qualified pursuant to Title XIII of the Public Health Service Act and that wholly owns and  
 2 operates an in-house drug outlet.

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

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

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

10 **SECTION 8.** ORS 750.055, as amended by section 33, chapter 698, Oregon Laws 2013, section  
 11 21, chapter 771, Oregon Laws 2013, section 7, chapter 25, Oregon Laws 2014, and section 82, chapter  
 12 45, Oregon Laws 2014, is amended to read:

13 750.055. (1) The following provisions of the Insurance Code apply to health care service con-  
 14 tractors to the extent not inconsistent with the express provisions of ORS 750.005 to 750.095:

15 (a) ORS 705.137, 705.139, 731.004 to 731.150, 731.162, 731.216 to 731.362, 731.382, 731.385, 731.386,  
 16 731.390, 731.398 to 731.430, 731.428, 731.450, 731.454, 731.488, 731.504, 731.508, 731.509, 731.510,  
 17 731.511, 731.512, 731.574 to 731.620, 731.592, 731.594, 731.640 to 731.652, 731.730, 731.731, 731.735,  
 18 731.737, 731.750, 731.752, 731.804, 731.844 to 731.992, 731.870 and 743.061.

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

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

23 (d) ORS chapter 734.

24 (e) ORS 742.001 to 742.009, 742.013, 742.061, 742.065, 742.150 to 742.162, 742.400, 742.520 to  
 25 742.540, 743.010, 743.013, 743.018 to 743.030, 743.050, 743.100 to 743.109, 743.402, 743.472, 743.492,  
 26 743.495, 743.498, 743.499, 743.522, 743.523, 743.524, 743.526, 743.527, 743.528, 743.529, 743.550, 743.552,  
 27 743.560, 743.600 to 743.610, 743.650 to 743.656, 743.764, 743.804, 743.807, 743.808, 743.814 to 743.839,  
 28 743.845, 743.847, 743.854, 743.856, 743.857, 743.858, 743.859, 743.861, 743.862, 743.863, 743.864, 743.894,  
 29 743.911, 743.912, 743.913, 743.917, 743A.010, 743A.012, 743A.020, 743A.034, 743A.036, 743A.048,  
 30 743A.058, 743A.062, 743A.064, 743A.065, 743A.066, 743A.068, 743A.070, 743A.080, 743A.082, 743A.084,  
 31 743A.088, 743A.090, 743A.100, 743A.104, 743A.105, 743A.110, 743A.140, 743A.141, 743A.144, 743A.148,  
 32 743A.150, 743A.160, 743A.164, 743A.168, 743A.170, 743A.175, 743A.184, 743A.185, 743A.188, 743A.190,  
 33 743A.192 and 743A.250 and section 2, chapter 25, Oregon Laws 2014, **and section 5 of this 2015**  
 34 **Act.**

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

36 (g) ORS 746.005 to 746.140, 746.160, 746.220 to 746.370, 746.600, 746.605, 746.607, 746.608, 746.610,  
 37 746.615, 746.625, 746.635, 746.650, 746.655, 746.660, 746.668, 746.670, 746.675, 746.680 and 746.690.

38 (h) ORS 743A.024, except in the case of group practice health maintenance organizations that  
 39 are federally qualified pursuant to Title XIII of the Public Health Service Act unless the patient is  
 40 referred by a physician, physician assistant or nurse practitioner associated with a group practice  
 41 health maintenance organization.

42 (i) ORS 743.680 to 743.689.

43 (j) ORS 744.700 to 744.740.

44 (k) ORS 743.730 to 743.773.

45 (L) ORS 731.485, except in the case of a group practice health maintenance organization that is

1 federally qualified pursuant to Title XIII of the Public Health Service Act and that wholly owns and  
 2 operates an in-house drug outlet.

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

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

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

10 **SECTION 9.** ORS 750.333, as amended by section 8, chapter 25, Oregon Laws 2014, is amended  
 11 to read:

12 750.333. (1) The following provisions of the Insurance Code apply to trusts carrying out a mul-  
 13 tiple employer welfare arrangement:

14 (a) ORS 731.004 to 731.150, 731.162, 731.216 to 731.268, 731.296 to 731.316, 731.324, 731.328,  
 15 731.378, 731.386, 731.390, 731.398, 731.406, 731.410, 731.414, 731.418 to 731.434, 731.454, 731.484,  
 16 731.486, 731.488, 731.512, 731.574 to 731.620, 731.640 to 731.652, 731.804 to 731.992 and 743.061.

17 (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.

18 (c) ORS chapter 734.

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

20 (e) ORS 743.028, 743.053, 743.499, 743.524, 743.526, 743.527, 743.528, 743.529, 743.530, 743.560,  
 21 743.562, 743.600, 743.601, 743.602, 743.610, 743.730 to 743.773 (except 743.766 to 743.773), 743.801,  
 22 743.804, 743.807, 743.808, 743.814 to 743.839, 743.845, 743.847, 743.854, 743.856, 743.857, 743.858,  
 23 743.859, 743.861, 743.862, 743.863, 743.864, 743.894, 743.912, 743.917, 743A.012, 743A.020, 743A.034,  
 24 743A.052, 743A.064, 743A.065, 743A.080, 743A.082, 743A.100, 743A.104, 743A.110, 743A.144, 743A.150,  
 25 743A.170, 743A.175, 743A.184, 743A.192 and 743A.250 and section 2, chapter 25, Oregon Laws 2014,  
 26 **and section 5 of this 2015 Act.**

27 (f) ORS 743A.010, 743A.014, 743A.024, 743A.028, 743A.032, 743A.036, 743A.040, 743A.048,  
 28 743A.058, 743A.066, 743A.068, 743A.070, 743A.084, 743A.088, 743A.090, 743A.105, 743A.140, 743A.141,  
 29 743A.148, 743A.168, 743A.180, 743A.185, 743A.188 and 743A.190. Multiple employer welfare arrange-  
 30 ments to which ORS 743.730 to 743.773 apply are subject to the sections referred to in this para-  
 31 graph only as provided in ORS 743.730 to 743.773.

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

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

35 (i) ORS 731.592 and 731.594.

36 (j) ORS 731.870.

37 (2) For the purposes of this section:

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

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

41 (c) Contributions shall be considered premiums.

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

44 **SECTION 10. Section 5 of this 2015 Act applies to health benefit plans entered into or**  
 45 **renewed on or after the effective date of this 2015 Act.**



