

**PROPOSED AMENDMENTS TO
HOUSE BILL 2758**

- 1 On page 1 of the printed bill, line 2, delete “and”.
- 2 In line 3, after “750.333” insert “; and declaring an emergency”.
- 3 Delete lines 5 through 29 and delete page 2.
- 4 On page 3, delete lines 1 through 40 and insert:
- 5 **“SECTION 1. Section 2 of this 2015 Act is added to and made a part**
- 6 **of the Insurance Code.**
- 7 **“SECTION 2. (1) As used in this section:**
- 8 **“(a) ‘Carrier’ has the meaning given that term in ORS 743.730.**
- 9 **“(b) ‘Communication’ includes:**
- 10 **“(A) An explanation of benefits notice;**
- 11 **“(B) Information about an appointment, including a confirmation**
- 12 **and a reminder;**
- 13 **“(C) A notice of an adverse benefit determination;**
- 14 **“(D) A carrier’s or third party administrator’s request for additional**
- 15 **information regarding a claim;**
- 16 **“(E) A notice of a contested claim;**
- 17 **“(F) The name and address of a provider, a description of services**
- 18 **provided and other visit information; and**
- 19 **“(G) Any written, oral or electronic communication from a carrier**
- 20 **or a third party administrator to a policyholder, certificate holder or**
- 21 **enrollee that contains personal health information.**
- 22 **“(c) ‘Confidential communications request’ means a request from**

1 an enrollee to a carrier or third party administrator that communi-
2 cations be sent directly to the enrollee at a specified mail or electronic
3 mail address or specified telephone number designated by the enrollee
4 and that the carrier or third party administrator refrain from sending
5 communications concerning the enrollee to the policyholder or certifi-
6 cate holder.

7 “(d) ‘Health benefit plan’ has the meaning given that term in ORS
8 743.730.

9 “(e) ‘Health care’ means, with respect to a minor, the diagnosis,
10 care or treatment that state law allows the minor to obtain without
11 parental consent.

12 “(f) ‘Personal health information’ means information or data cre-
13 ated by or derived from a provider about an individual that relates to:

14 “(A) The past, present or future health condition of the individual;

15 “(B) The provision of health care to the individual;

16 “(C) A request for the provision of health care to the individual; or

17 “(D) The cost of or payment for health care provided to the indi-
18 vidual.

19 “(2)(a) A carrier and a third party administrator doing business in
20 this state:

21 “(A) May not reveal in any communication to a policyholder or
22 certificate holder personal health information about an enrollee, other
23 than the policyholder or certificate holder, regardless of whether the
24 enrollee has submitted a confidential communications request, unless
25 the enrollee has executed a written authorization for disclosure of the
26 information that:

27 “(i) Is submitted to the carrier or third party administrator in hard
28 copy or electronically;

29 “(ii) Is executed by a signature that serves no purpose other than
30 to execute the authorization;

1 “(iii) Is signed and dated by the enrollee or by a legal representative
2 of the enrollee; and

3 “(iv) If applicable, specifies the uses and limitations on the release
4 of the information.

5 “(B) Shall send any communication containing personal health in-
6 formation directly to the enrollee who is the subject of the personal
7 health information.

8 “(b) As used in this subsection, ‘enrollee’ does not include an indi-
9 vidual who is in the custody of the Department of Corrections.

10 “(3) A provider may make an arrangement with an enrollee for the
11 enrollee to pay to the provider any cost sharing required under the
12 health benefit plan and shall communicate the arrangement to the
13 carrier or third party administrator.

14 “(4) The Department of Consumer and Business Services shall de-
15 velop and make available to the public a standardized form for an
16 enrollee to use to designate a mail or electronic mail address or a
17 telephone number for a carrier or third party administrator to send
18 communications containing personal health information.

19 “(5) The department shall enforce the provisions of this section
20 consistent with the requirements of federal law.”.

21 In line 41, delete “4” and insert “3”.

22 On page 5, line 28, delete “5” and insert “4”.

23 On page 7, line 16, delete “6” and insert “5”.

24 On page 8, lines 22 through 25, delete the boldfaced material and insert
25 “and the requirement under section 2 of this 2015 Act that an insurer send
26 communications containing personal health information only to the enrollee
27 who is the subject of the personal health information”.

28 On page 10, line 4, delete “7” and insert “6”.

29 On page 11, line 3, delete “8” and insert “7”.

30 On page 12, line 3, delete “9” and insert “8”.

1 On page 13, line 2, delete “10” and insert “9”.

2 On page 14, line 2, delete “11” and insert “10”.

3 In line 36, delete “12” and insert “11”.

4 In line 38, after “public” delete the rest of the line and delete line 39 and
5 insert “beginning January 2, 2016.”

6 **“SECTION 12. Section 2 of this 2015 Act applies to health benefit
7 plans issued or renewed on or after January 1, 2016.**

8 **“SECTION 13. This 2015 Act being necessary for the immediate
9 preservation of the public peace, health and safety, an emergency is
10 declared to exist, and this 2015 Act takes effect on its passage.”.**

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