

**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;**

12 **“(C) A notice of an adverse benefit determination;**

13 **“(D) A carrier’s or third party administrator’s request for additional**
14 **information regarding a claim;**

15 **“(E) A notice of a contested claim;**

16 **“(F) The name and address of a provider, a description of services**
17 **provided and other visit information; and**

18 **“(G) Any written, oral or electronic communication described in**
19 **this paragraph from a carrier or a third party administrator to a**
20 **policyholder, certificate holder or enrollee that contains protected**
21 **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 and that the carrier or third
3 party administrator refrain from sending communications concerning
4 the enrollee to the policyholder or certificate holder.

5 “(d) ‘Health benefit plan’ has the meaning given that term in ORS
6 743.730.

7 “(e) ‘Protected health information’ has the meaning given that
8 term in ORS 192.556.

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

11 “(a) Shall permit any enrollee to submit a confidential communi-
12 cations request.

13 “(b) Shall update an enrollee on the status of implementing a con-
14 fidential communications request upon the enrollee’s inquiry.

15 “(3) The procedure adopted by a carrier or third party administrator
16 for enrollees to make confidential communications requests:

17 “(a) Must allow enrollees to use the form described in subsection
18 (5) of this section and may also allow enrollees to make the request
19 by other means such as telephone or online.

20 “(b) Shall ensure that the confidential communications request re-
21 mains in effect until the enrollee revokes the request in writing or
22 submits a new confidential communications request.

23 “(c) Shall ensure that the confidential communications request is
24 acted upon and implemented by the carrier or third party administra-
25 tor not later than seven days after receipt of a request by electronic
26 means or 30 days after receipt of a request in hard copy.

27 “(d) May not require an enrollee to waive any right to limit disclo-
28 sure under this section as a condition of eligibility for or coverage
29 under a health benefit plan.

30 “(e) Must be easy to understand and to complete.

1 **“(4) The Department of Consumer and Business Services shall work**
2 **with stakeholders to develop and make available to the public a**
3 **standardized form that an enrollee may submit to a carrier or third**
4 **party administrator to make a confidential communications request.**
5 **The department may encourage health care providers to clearly dis-**
6 **play the form and make it available to patients. At a minimum, the**
7 **form must:**

8 **“(a) Inform an enrollee about the enrollee’s right to have protected**
9 **health information sent to the enrollee and not disclosed to the**
10 **policyholder or certificate holder; or**

11 **“(b) Allow an enrollee to indicate where to redirect communications**
12 **containing protected health information, including a specified mail or**
13 **electronic mail address or specified telephone number;**

14 **“(c) Allow an enrollee to designate a mail or electronic mail address**
15 **or telephone number for the carrier or third party administrator to**
16 **contact the enrollee if additional information or clarification is nec-**
17 **essary to process the confidential communications request; and**

18 **“(d) Include a disclaimer that it may take up to 30 days from the**
19 **date of receipt for a carrier or third party administrator to process the**
20 **form.**

21 **“(5) If an insurer makes an adverse benefit determination regarding**
22 **a claim concerning health care provided to an enrollee who has made**
23 **a confidential communications request:**

24 **“(a) The enrollee has the right to appeal the determination; and**

25 **“(b) The policyholder or certificate holder may not appeal the ad-**
26 **verse benefit determination unless the enrollee has signed an author-**
27 **ization to disclose claims information relevant to the appeal.**

28 **“(6) As used in this section, ‘enrollee’ does not include an individual**
29 **who is in the custody of the Department of Corrections.**

30 **“(7) The department shall interpret this section in a manner that**

1 is consistent with federal law.

2 **“SECTION 3. (1) No later than December 1, 2016, the Department**
3 **of Consumer and Business Services shall report, in the manner pre-**
4 **scribed by ORS 192.245, on:**

5 **“(a) The effectiveness of the process described in section 2 of this**
6 **2015 Act in allowing health insurance enrollees to redirect insurance**
7 **communications containing protected health information, the extent**
8 **to which enrollees are using the process and whether the process is**
9 **working properly; and**

10 **“(b) The education and outreach activities conducted by carriers or**
11 **third party administrators to inform Oregonians about their right to**
12 **have protected health information redirected.**

13 **“(2) The department shall require carriers or third party adminis-**
14 **trators to report data necessary for the department to produce the**
15 **report described in subsection (1) of this section.”.**

16 On page 8, lines 22 through 25, delete the boldfaced material and insert
17 “and the requirement under section 2 of this 2015 Act that a carrier or third
18 party administrator send communications containing protected health infor-
19 mation only to the enrollee who is the subject of the protected health in-
20 formation”.

21 On page 14, after line 39, insert:

22 **“SECTION 13. Section 2 of this 2015 Act applies to health benefit**
23 **plans issued or renewed on or after January 1, 2016.**

24 **“SECTION 14. This 2015 Act being necessary for the immediate**
25 **preservation of the public peace, health and safety, an emergency is**
26 **declared to exist, and this 2015 Act takes effect on its passage.”.**

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