

HB 4017-6
(LC 130)
2/5/16 (LHF/ps)

Requested by HOUSE COMMITTEE ON HEALTH CARE (at the request of Jim Gardner and Pharmaceutical Research and Manufacturers of America)

**PROPOSED AMENDMENTS TO
HOUSE BILL 4017**

1 On page 2 of the printed bill, delete lines 41 through 45.

2 On page 3, delete lines 1 through 9 and insert:

3 **“SECTION 2. (1) The Department of Consumer and Business Ser-**
4 **vices shall have sole authority to request a waiver for state innovation**
5 **under 42 U.S.C. 18052. In developing a request for a waiver, the de-**
6 **partment shall convene an advisory group to advise and assist the**
7 **department in identifying federal provisions subject to waiver that are**
8 **expected to improve the delivery of quality health care to residents of**
9 **this state.**

10 **“(2) The department and the advisory group shall evaluate the im-**
11 **port of any proposed waiver on the extent, affordability and**
12 **comprehensiveness of coverage for residents of this state and in par-**
13 **ticular vulnerable residents, including low income individuals, elderly**
14 **individuals and individuals who have or are at risk of developing seri-**
15 **ous health issues.**

16 **“(3) Before finalizing a request for a waiver for state innovation,**
17 **the department shall conduct an assessment to ensure that any par-**
18 **ticipating health plan does not use a benefit design or manner of im-**
19 **plementing a benefit design that discriminates in violation of state or**
20 **federal law.**

21 **“(4) Following federal approval of a waiver for state innovation, the**

1 department shall annually report to the Legislative Assembly, in the
2 manner provided in ORS 192.245, the details of the department's pro-
3 cess to monitor whether a health plan is engaging in discrimination
4 in violation of state or federal law and an evaluation of the effective-
5 ness of the process. The report must also detail:

6 “(a) How the department addresses any discriminatory practices
7 that it identifies; and

8 “(b) Any steps that the department has taken or will take to pre-
9 vent discriminatory practices in the future.

10 “(5) Not later than March 1, 2017, the department shall report to the
11 Legislative Assembly, in the manner provided in ORS 192.245, its rec-
12 ommendations for submitting a waiver under 42 U.S.C. 18052 alone, or
13 in combination with a request under 42 U.S.C. 1315 to operate a dem-
14 onstration project in the medical assistance program. The report must
15 include the findings of the assessment conducted under subsection (3)
16 of this section.

17 “(6) The department may submit a request for a waiver for state
18 innovation to the United States Secretary of Health and Human Ser-
19 vices or Secretary of the Treasury no earlier than September 1,
20 2017.”.

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