



MEMORANDUM

May 30, 2017

To: Patrick Allen, Director, Department of Consumer and Business Services (DCBS)

From: Tashia Sample, Senior Policy Analyst, Division of Financial Regulation

Subject: House Bill 2339 –A11 Amendment: Advisory Committee Scope

Question: What is the intended scope of the recommendations to be provided by the Advisory Committee required under the draft –A11 Amendment to House Bill 2339A?

Answer: The intended scope of recommendations is limited to situations described in Section 2(2) of the –A11 Amendment to House Bill 2339.

- A reimbursement rate methodology paid to out-of-network providers performing services at in-network facilities when members do not choose to seek care from out-of-network providers.
- A reimbursement rate methodology paid to out-of-network emergency services providers when a member uses out-of-network emergency services.

Analysis: Although, the language in Section 3 (2) does not specify the scope of the advisory group recommendation, testimony on record indicates that this bill is not intended to impact provider and insurer contracts for in-network services or amounts reimbursed for services provided to consumers who choose to seek care from out-of-network providers. Additionally, the Oregon Legislature has not provided DCBS the authority to establish or regulate provider reimbursement rates generally for the commercial health benefit plan market.

The Advisory Committee established under the proposed –A11 Amendment should focus only on recommending a reimbursement rate for the circumstances outlined in Section 2(2) of the House Bill 2339 –A11 Amendment.