

**Enrolled**  
**Senate Bill 46**

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CHAPTER .....

AN ACT

Relating to health benefit plan requirements; creating new provisions; and amending ORS 743A.058, 743B.601 and 743B.810.

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

**SECTION 1. Section 2 of this 2017 Act is added to and made a part of ORS 243.105 to 243.285.**

**SECTION 2. Benefit plans offered by the Public Employees' Benefit Board that reimburse the cost of medical and other health services and supplies must comply with the requirements for health benefit plan coverage described in:**

- (1) ORS 743A.058;
- (2) ORS 743B.601; and
- (3) ORS 743B.810.

**SECTION 3. Section 4 of this 2017 Act is added to and made a part of ORS 243.860 to 243.886.**

**SECTION 4. Benefit plans offered by the Oregon Educators Benefit Board that reimburse the cost of medical and other health services and supplies must comply with the requirements for health benefit plan coverage described in:**

- (1) ORS 743A.058;
- (2) ORS 743B.601; and
- (3) ORS 743B.810.

**SECTION 5. ORS 743A.058 is amended to read:**  
743A.058. (1) As used in this section:

(a) "Health benefit plan" **has the meaning given that term in ORS 743B.005.** *[includes:]*  
*[(A) A health benefit plan as defined in ORS 743B.005; and]*  
*[(B) A self-insured health plan offered through the Public Employees' Benefit Board or the Oregon Educators Benefit Board.]*

(b) "Health professional" means a person licensed, certified or registered in this state to provide health care services or supplies.

(c) "Originating site" means the physical location of the patient.

(2) A health benefit plan must provide coverage of a health service that is provided using synchronous two-way interactive video conferencing if:

(a) The plan provides coverage of the health service when provided in person by a health professional;

- (b) The health service is medically necessary;
  - (c) The health service is determined to be safely and effectively provided using synchronous two-way interactive video conferencing according to generally accepted health care practices and standards; and
  - (d) The application and technology used to provide the health service meet all standards required by state and federal laws governing the privacy and security of protected health information.
- (3) A health benefit plan may not distinguish between rural and urban originating sites in providing coverage under subsection (2) of this section.
- (4) The coverage under subsection (2) of this section is subject to:
- (a) The terms and conditions of the health benefit plan; and
  - (b) The reimbursement specified in the contract between the plan and the health professional.
- (5) This section does not require a health benefit plan to reimburse a health professional:
- (a) For a health service that is not a covered benefit under the plan; or
  - (b) Who has not contracted with the plan.

**SECTION 6.** ORS 743B.601, as amended by section 1, chapter 800, Oregon Laws 2015, is amended to read:

- 743B.601. (1) As used in this section:
- (a) "Health plan" means:
    - (A) A "health benefit plan" as defined in ORS 743B.005; and
    - (B) A self-insured health plan offered by the [*Public Employees' Benefit Board, the Oregon Educators Benefit Board or the*] Oregon Health and Science University.
  - (b) "Synchronization policy" means a procedure for aligning the refill dates of a patient's prescription drugs so that drugs that are refilled at the same frequency may be refilled concurrently.
- (2) A health plan that includes prescription drug coverage shall implement a synchronization policy for the dispensing of prescription drugs to the plan's enrollees.
- (3) A health plan shall reimburse the cost of prescription drugs dispensed in accordance with the plan's synchronization policy.
- (4) If a drug is dispensed in less than a 30-day supply for the purpose of synchronizing a patient's prescription drug refills, a health plan shall:
- (a) Prorate the copayment; or
  - (b) Adjust the copayment using a method approved by the Department of Consumer and Business Services.
- (5) A health plan shall fully reimburse the dispensing fee for partially filled or refilled prescription drugs.
- (6) This section does not apply to prescription drugs that:
- (a) Are in unit-of-use packaging for which synchronization is not possible;
  - (b) Are controlled substances; or
  - (c) Have been identified by the United States Drug Enforcement Administration as having a high risk of diversion.
- (7) The coverage required by this section may be limited by formulary restrictions applied to a prescription drug by a health plan.
- (8)(a) This section does not apply to a prepaid group practice health plan with at least 200,000 enrollees in this state.

(b) As used in this subsection, "prepaid group practice health plan" means a health care service contractor that provides physician services to its enrollees through an integrated health care delivery system using, primarily, a single group of physicians contracted on a prepaid, capitated basis.

**SECTION 7.** ORS 743B.810 is amended to read:

- 743B.810. (1) A health benefit plan may not exclude, and shall expedite preauthorizations required for, work-related injuries or occupational diseases if:
- (a) The injured worker is covered by workers' compensation insurance and the health benefit plan; and

(b) The injured worker has submitted a workers' compensation claim for the work-related injury or occupational disease that has not been accepted or denied by the workers' compensation carrier.

(2) A health benefit plan subject to this section shall guarantee payment for preauthorized medical services to the provider of those medical services according to the terms, conditions and benefits of the plan if the claim is found not to be a compensable workers' compensation claim.

(3) As used in this section, "health benefit plan" has the meaning given that term in ORS 743B.005 [and also means self-insured benefit plans and health benefit plans provided by the Oregon Educators Benefit Board and the Public Employees' Benefit Board].

(4) The provisions of ORS 743A.001 do not apply to this section.

**Passed by Senate March 29, 2017**

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Lori L. Brocker, Secretary of Senate

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Peter Courtney, President of Senate

**Passed by House June 1, 2017**

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Tina Kotek, Speaker of House

**Received by Governor:**

.....M.,....., 2017

**Approved:**

.....M.,....., 2017

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Kate Brown, Governor

**Filed in Office of Secretary of State:**

.....M.,....., 2017

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Dennis Richardson, Secretary of State