

Requested by Representative BUEHLER

**PROPOSED AMENDMENTS TO  
HOUSE BILL 2339**

1 On page 1 of the printed bill, line 3, delete “743B.450 and”.

2 Delete lines 6 through 28 and delete page 2.

3 On page 3, delete lines 1 through 4 and insert:

4 **“SECTION 2. (1) As used in this section:**

5 **“(a) ‘Charge’ means a charge for a service as reported in a database**  
6 **of usual and customary charges maintained by an independent**  
7 **nonprofit organization specified by the Department of Consumer and**  
8 **Business Services that is not affiliated with or established by an**  
9 **insurer or health care service contractor.**

10 **“(b) ‘Emergency services’ has the meaning given that term in ORS**  
11 **743A.012.**

12 **“(c) ‘Enrollee’ means:**

13 **“(A) An individual who is enrolled in a health benefit plan or a**  
14 **covered dependent or beneficiary of the individual; or**

15 **“(B) A subscriber to a health care service contract or a covered**  
16 **dependent or beneficiary of the subscriber.**

17 **“(d) ‘Health benefit plan’ has the meaning given that term in ORS**  
18 **743B.005.**

19 **“(e) ‘Health care facility’ has the meaning given that term in ORS**  
20 **442.015, excluding long term care facilities.**

21 **“(f) ‘Health care service contractor’ has the meaning given that**

1 term in ORS 750.005.

2 “(g) ‘In-network’ means a provider or health care facility that has  
3 contracted with an insurer or a health care service contractor to be  
4 reimbursed at a negotiated rate for services provided to enrollees in a  
5 health benefit plan or health care service contract offered by the  
6 insurer or health care service contractor.

7 “(h) ‘Insurer’ means:

8 “(A) A person with a certificate of authority to transact insurance  
9 in this state that offers a health benefit plan.

10 “(B) A third party administrator licensed under ORS 744.702.

11 “(i) ‘Out-of-network’ means a provider or health care facility that  
12 has not contracted with an insurer or health care service contractor  
13 as described in paragraph (g) of this subsection.

14 “(j) ‘Provider’ means a person licensed or certified to furnish med-  
15 ical, surgical, hospital, clinical laboratory or radiological services.

16 “(2) Except for applicable coinsurance, copayments or deductible  
17 amounts that apply to services provided by an in-network health care  
18 facility or an in-network provider, an in-network health care facility  
19 or an out-of-network provider may not bill an enrollee for:

20 “(a) Emergency services; or

21 “(b) Other inpatient or outpatient services provided to the enrollee  
22 at an in-network health care facility if the enrollee did not have the  
23 ability or opportunity to choose an in-network provider at the health  
24 care facility who was available to provide the services.

25 “(3) An insurer and a health care service contractor shall pay a  
26 claim for reimbursement of a covered service submitted by an out-of-  
27 network provider in an amount equal to the 80th percentile of the  
28 charge for the service in the geographic area where the service was  
29 furnished.

30 “(4) An insurer or health care service contractor may not commu-

1 **nicate to an enrollee or include in an explanation of benefits any false,**  
2 **misleading or confusing information regarding:**

3 **“(a) The use of in-network or out-of-network providers;**

4 **“(b) The payment methodology used in the reimbursement of pro-**  
5 **viders; or**

6 **“(c) Whether a health care facility or a provider is an in-network**  
7 **health care facility or provider if the network of the insurer or health**  
8 **care service contractor does not comply with the requirements in ORS**  
9 **743B.505.”.**

10 In line 5, delete “4” and insert “3”.

11 On page 4, line 6, delete “5” and insert “4”.

12 On page 5, line 10, delete “6” and insert “5”.

13 On page 6, line 13, delete “7” and insert “6” and delete “743B.450 and”.

14 In line 14, delete “6” and insert “5”.

15 Delete lines 15 through 18 and insert:

16 **“SECTION 7. The Department of Consumer and Business Services**  
17 **shall, before the operative date specified in section 6 of this 2017 Act,**  
18 **take any actions necessary to implement section 2 of this 2017 Act and**  
19 **the amendments to ORS 750.055 by sections 3 to 5 of this 2017 Act on**  
20 **the operative date specified in section 6 of this 2017 Act.”.**

21 In line 19, delete “9” and insert “8”.

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