

## HOUSE AMENDMENTS TO HOUSE BILL 3074

By COMMITTEE ON HEALTH CARE

April 8

1 On page 1 of the printed bill, delete lines 4 through 31.

2 On page 2, delete lines 1 through 30 and insert:

3 “**SECTION 1.** ORS 743.019 is amended to read:

4 “743.019. (1) When an insurer files a schedule or table of premium rates for individual or small  
5 employer health [*insurance*] **benefit plans** under ORS 743.018, the Department of Consumer and  
6 Business Services shall open a 30-day public comment period on the rate filing that begins on the  
7 date the insurer files the schedule or table of premium rates. The department shall post all of the  
8 comments received to the department’s website without delay.

9 “(2) **After the close of the public comment period described in subsection (1) of this sec-**  
10 **tion,** the department shall [*make*] **issue** a preliminary decision to approve, disapprove or modify a  
11 rate filing. The department shall notify the insurer of, and make available to the public, the pre-  
12 liminary decision, including:

13 “(a) An explanation of the findings and rationale that are the basis for the **preliminary** decision;  
14 and

15 “(b) Any actuarial or other analyses, calculations or evaluations relied upon by the department  
16 in arriving at the **preliminary** decision.

17 “(3) The department shall provide the insurer or any person adversely affected or aggrieved by  
18 the preliminary decision the opportunity to meet with the department to discuss and respond to the  
19 preliminary decision. However, an insurer or other person may not substitute new facts or data for  
20 the facts or data submitted by the insurer in the filing. The meeting shall:

21 “(a) Include a department employee who reviewed the rate filing; and

22 “(b) Comply with the requirements of ORS 192.610 to 192.690.

23 “[*(4)(a) The department may approve a modified rate filing only with the written consent of the*  
24 *insurer. An insurer’s consent to the modified rate filing does not preclude the insurer from contesting*  
25 *the modified rate filing by requesting a reconsideration under subsection (6) of this section or by re-*  
26 *questing a contested case hearing.*]

27 “[*(b) If the modified rate filing is reversed as a result of a reconsideration or contested case hear-*  
28 *ing, the rate filing, as approved in the reconsideration or final order in a contested case, may take effect*  
29 *on or after the date of the reconsideration or final order, in accordance with rules adopted by the de-*  
30 *partment.*]

31 “[*(5)(a)*] **(4)(a)** The department shall issue [*an*] **a proposed** order, no later than 30 days after the  
32 [*close of the public comment period described in subsection (1) of this section, approving, disapproving*  
33 *or modifying*] **department issues a preliminary decision under subsection (2) of this section,**  
34 **to approve, disapprove or modify** the rate filing based on the information submitted during the  
35 public comment period. [*However,*]

1       **“(b) In issuing the proposed order,** the department may not consider new facts or data that  
2 are offered as a substitute for the facts or data submitted by the insurer in the filing.

3       **“(c) The [order shall be mailed] department shall mail the proposed order** to the insurer and  
4 **[posted] post the proposed order** to the department’s website.

5       **“[(b)] (d) The proposed order must include:**

6       **“(A) An explanation of the findings and rationale that are the basis for the proposed order,**  
7 including any actuarial or other analyses, calculations or evaluations relied upon by the department  
8 in its findings or rationale; and

9       **“(B) Notice of the right of the insurer or any person adversely affected or aggrieved by the**  
10 **proposed order to [contest the order by requesting:]**

11       **“[(i) An expedited reconsideration in accordance with subsection (6) of this section; or]**

12       **“[(ii) A contested case hearing in accordance with ORS chapter 183.] request a review by the**  
13 **Director of the Department of Consumer and Business Services, in accordance with sub-**  
14 **section (6) of this section, no later than 10 days after the date that the proposed order was**  
15 **issued.**

16       **“(5) If the insurer or person adversely affected or aggrieved by the proposed order does**  
17 **not timely request a review of the proposed order by the director, the director shall issue a**  
18 **final order as described in subsection (6)(d) of this section.**

19       **“[(6) If an insurer or a person adversely affected or aggrieved by an order approving, disapproving**  
20 **or modifying a rate filing submits to the department a request for reconsideration no later than 10 days**  
21 **after the date the order is issued under subsection (5) of this section:]**

22       **“(6) If the insurer or a person adversely affected or aggrieved by the proposed order**  
23 **timely requests a review by the director of the proposed order:**

24       **“(a) The requester may not substitute new facts or data for the facts and data that were sub-**  
25 **mitted by the insurer in the filing, but may provide a brief, memorandum or analysis based on the**  
26 **evidence contained in the filing or received and considered by the department during the public**  
27 **comment period;**

28       **“(b) The director [of the Department of Consumer and Business Services] may not delegate the**  
29 **decision-making authority for the [reconsideration] request for review to any other individual;**

30       **“(c) The director shall issue a [decision on the request for reconsideration] final order** no later  
31 than 30 days after the request **for review** is received by the **[department] director;** and

32       **“(d) The decision shall include:**

33       **“(A) An explanation of the findings and rationale that are the basis for the decision; and**

34       **“(B) Notice of the right to a contested case hearing in accordance with ORS chapter 183.**

35       **“(7) Subsections (2) [and (5)] to (6) of this section do not require the department to perform any**  
36 **actuarial or other analyses, calculations or evaluations.**

37       **“(8) The department may adopt rules modifying the procedures described in subsections (2) to**  
38 **(6) of this section, but only to the extent necessary to comply with 42 U.S.C. 300gg-94.”.**