

SENATE AMENDMENTS TO SENATE BILL 748

By COMMITTEE ON HEALTH CARE

April 29

1 On page 1 of the printed bill, delete lines 4 through 31 and delete pages 2 and 3 and insert:

2 **“SECTION 1. Section 2 of this 2021 Act is added to and made a part of ORS 243.105 to**
3 **243.285.**

4 **“SECTION 2. (1) If the Public Employees’ Benefit Board provides options under which**
5 **an eligible employee may arrange coverage for family members under ORS 243.135, the board**
6 **shall allow coverage of an adult disabled child of the eligible employee if:**

7 **“(a) The eligible employee provides a statement from a physician certifying that the adult**
8 **child has an ongoing disability that prevents the adult child from engaging in self-sustaining**
9 **employment;**

10 **“(b) The adult child was covered by a parent’s insurance immediately before the time the**
11 **adult child exceeded the age for eligibility for coverage under the parent’s insurance; and**

12 **“(c)(A) The eligible employee claims the adult child as a dependent of the eligible em-**
13 **ployee for tax purposes;**

14 **“(B) The adult child files a tax return properly showing adjusted gross income that does**
15 **not exceed 150 percent of the federal poverty level; or**

16 **“(C) The eligible employee is the legal guardian of the employee’s adult child.**

17 **“(2) As used in this section:**

18 **“(a) ‘Disabled’ means to have a developmental disability, mental illness or a physical**
19 **disability that began prior to the age of 26 and that prevents an individual from engaging in**
20 **self-sustaining employment.**

21 **“(b) ‘Self-sustaining employment’ means employment with annual earnings that exceed**
22 **150 percent of the federal poverty level.**

23 **“SECTION 3. Section 4 of this 2021 Act is added to and made a part of ORS 243.860 to**
24 **243.886.**

25 **“SECTION 4. (1) If the Oregon Educators Benefit Board provides options under which**
26 **an eligible employee may arrange coverage for family members under ORS 243.866, the board**
27 **shall allow coverage of an adult disabled child of the eligible employee if:**

28 **“(a) The eligible employee provides a statement from a physician certifying that the adult**
29 **child has an ongoing disability that prevents the adult child from engaging in self-sustaining**
30 **employment;**

31 **“(b) The adult child was covered by a parent’s insurance immediately before the time the**
32 **adult child exceeded the age for eligibility for coverage under the parent’s insurance; and**

33 **“(c)(A) The eligible employee claims the adult child as a dependent of the eligible em-**
34 **ployee for tax purposes;**

35 **“(B) The adult child files a tax return properly showing adjusted gross income that does**

1 **not exceed 150 percent of the federal poverty level; or**

2 **“(C) The eligible employee is the legal guardian of the employee’s adult child.**

3 **“(2) As used in this section:**

4 **“(a) ‘Disabled’ means to have a developmental disability, mental illness or a physical**
5 **disability that began prior to the age of 26 and that prevents an individual from engaging in**
6 **self-sustaining employment.**

7 **“(b) ‘Self-sustaining employment’ means employment with annual earnings that exceed**
8 **150 percent of the federal poverty level.**

9 **“SECTION 5. ORS 743A.090 is amended to read:**

10 **“743A.090. (1)(a) All individual and group health benefit plans, as defined in ORS 743B.005, that**
11 **include coverage for a family member of the insured shall also provide that the health insurance**
12 **benefits applicable for children in the family shall be payable with respect to:**

13 **“[(a)] (A) A child of the insured from the moment of birth; and**

14 **“[(b)] (B) An adopted child effective upon placement for adoption.**

15 **“(b) All individual and group health benefit plans, as defined in ORS 743B.005, that include**
16 **coverage for a family member of the insured shall also provide that the health insurance**
17 **benefits applicable for children in the family shall be payable with respect to a disabled child**
18 **of the insured who is 26 years of age or older, if:**

19 **“(A) The insured provides a statement from a physician certifying that the child has an**
20 **ongoing disability that prevents the child from engaging in self-sustaining employment;**

21 **“(B) The child was covered by a parent’s insurance for at least two years immediately**
22 **before the time the child exceeded the age for eligibility for coverage under the parent’s in-**
23 **surance; and**

24 **“(C)(i) The insured claims the child as a dependent of the insured for tax purposes;**

25 **“(ii) The child files a tax return properly showing adjusted gross income that does not**
26 **exceed 150 percent of the federal poverty level; or**

27 **“(iii) The insured is the legal guardian of the insured’s child.**

28 **“(2) The coverage of natural and adopted children required by subsection (1) of this section shall**
29 **consist of coverage of preventive health services and treatment of injury or sickness, including the**
30 **necessary care and treatment of medically diagnosed congenital defects and birth abnormalities.**

31 **“(3) If payment of an additional premium is required to provide coverage for a child, the policy**
32 **may require that notification of the birth of the child or of the placement for adoption of the child**
33 **and payment of the premium be furnished to the insurer within 31 days after the date of birth or**
34 **date of placement in order to effectuate the coverage required by this section and to have the cov-**
35 **erage extended beyond the 31-day period.**

36 **“(4) In any case in which a policy provides coverage for dependent children of participants or**
37 **beneficiaries, the policy shall provide benefits to dependent children placed with participants or**
38 **beneficiaries for adoption under the same terms and conditions as apply to the natural, dependent**
39 **children of the participants and beneficiaries, regardless of whether the adoption has become final.**

40 **“(5) As used in this section:**

41 **“(a) ‘Child’ means an individual who is:**

42 **“(A) Under 26 years of age; or**

43 **“(B) Disabled and 26 years of age or older, for purposes of coverage under subsection**
44 **(1)(b) of this section.**

45 **“(b) ‘Disabled’ means to have a developmental disability, mental illness or a physical**

1 **disability that began prior to the age of 26 and that prevents an individual from engaging in**
2 **self-sustaining employment.**

3 “[*b*] (c) ‘Placement for adoption’ means the assumption and retention by a person of a legal
4 obligation for total or partial support of a child in anticipation of the adoption of the child. The
5 child’s placement with a person terminates upon the termination of such legal obligations.

6 “(d) ‘Self-sustaining employment’ means employment with annual earnings that exceed
7 150 percent of the federal poverty level.

8 “(6) The provisions of ORS 743A.001 do not apply to this section.”.

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