

House Bill 4134

Sponsored by Representative STARK, Senator STEINER HAYWARD, Representatives NOSSE, GRAYBER, MORGAN, NOBLE, POWER, REYNOLDS, SALINAS, Senators GELSER BLOUIN, KNOPP, MANNING JR; Representatives ALONSO LEON, BONHAM, BOSHART DAVIS, BYNUM, DEXTER, DRAZAN, GEORGE, GOODWIN, HELM, HUDSON, LEVY, MARSH, MEEK, OWENS, PHAM, PRUSAK, REARDON, RESCHKE, SCHARF, SCHOUTEN, SMITH DB, SMITH G, WALLAN, WEBER, WILDE, Senators BEYER, FINDLEY, FREDERICK, GOLDEN, HANSELL, KENNEMER, LAWRENCE SPENCE, LINTHICUM, PATTERSON, PROZANSKI, THOMSEN (Presession filed.)

SUMMARY

The following summary is not prepared by the sponsors of the measure and is not a part of the body thereof subject to consideration by the Legislative Assembly. It is an editor's brief statement of the essential features of the measure **as introduced**.

Requires insurer and health care service contractor to cover labor and delivery services provided at out-of-network health care facility if services provided at out-of-network facility due solely to diversion of patient from in-network health care facility for reasons related to state or federal declaration of public health emergency.

Declares emergency, effective on passage.

A BILL FOR AN ACT

1
2 Relating to insurance; creating new provisions; amending ORS 743B.287; and declaring an emer-
3 gency.

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

5 **SECTION 1.** ORS 743B.287 is amended to read:

6 743B.287. (1) As used in this section:

7 (a) "Emergency services" has the meaning given that term in ORS 743A.012.

8 (b) "Enrollee" means:

9 (A) An individual who is enrolled in a health benefit plan or a covered dependent or beneficiary
10 of the individual; or

11 (B) A subscriber to a health care service contract or a covered dependent or beneficiary of the
12 subscriber.

13 (c) "Health benefit plan" has the meaning given that term in ORS 743B.005.

14 (d) "Health care facility" has the meaning given that term in ORS 442.015, excluding long term
15 care facilities.

16 (e) "Health care service contractor" has the meaning given that term in ORS 750.005.

17 (f) "In-network" has the meaning given that term in ORS 743B.280.

18 (g) "Out-of-network" means a provider or provider group that has not contracted or has indi-
19 rectly contracted with the insurer or health care service contractor.

20 (2) A provider who is an out-of-network provider may not bill an enrollee in the health benefit
21 plan or health care service contract for emergency services or other inpatient or outpatient services
22 provided at an in-network health care facility.

23 (3) Subsection (2) of this section does not apply:

24 (a) To applicable coinsurance, copayments or deductible amounts that apply to services provided
25 by an in-network provider; or

26 (b) To services, other than emergency services, provided to enrollees who choose to receive

NOTE: Matter in **boldfaced** type in an amended section is new; matter *[italic and bracketed]* is existing law to be omitted. New sections are in **boldfaced** type.

1 services from an out-of-network provider.

2 **(4) An insurer offering a health benefit plan and a health care service contractor shall**
3 **reimburse an out-of-network provider for labor and delivery services provided at an out-of-**
4 **network health care facility if the services are provided at the out-of-network facility solely**
5 **due to the diversion of the patient from an in-network health care facility to an out-of-**
6 **network facility for a reason related to a state or federal declaration of a public health**
7 **emergency.**

8 [~~4~~] (5) If an enrollee chooses to receive services from an out-of-network provider, the provider
9 shall inform the enrollee that the enrollee will be financially responsible for coinsurance,
10 copayments or other out-of-pocket expenses attributable to choosing an out-of-network provider.

11 **SECTION 2. The amendments to ORS 743B.287 by section 1 of this 2022 Act apply to**
12 **policies or certificates issued, renewed or extended on or after the effective date of this 2022**
13 **Act.**

14 **SECTION 3. This 2022 Act being necessary for the immediate preservation of the public**
15 **peace, health and safety, an emergency is declared to exist, and this 2022 Act takes effect**
16 **on its passage.**

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