

Explanation of -A7 Technical Amendment to HB 3008

Oregon's health insurers urge you to support the -A7 Amendment to HB 3008, which contains an important technical fix to SB 1529 (2022).

- When SB 1529 (2022) passed, several insurers flagged the need for a future fix in Section 6 relating to the requirement to offer at least three primary care visits with \$0 co-pay due to federal mental health parity requirements.
- After further analysis, it is clear that for certain plan types, the \$0 co-pay requirement could result in insurers being forced to provide all behavioral health services for free to meet federal mental health parity requirements. The result would be disparate treatment for behavioral health coverage across plan types and a significant increase in premiums for those plans, ultimately making them less affordable.
- Carriers raised the issue with the Division of Financial Regulation (DFR) during the 2022 session and have been working on the resolution since that time. In late April, carriers and DFR received confirmation from the Center for Medicare and Medicaid Services (CMS) that the carriers were correctly applying SB 1529 to federal mental health parity requirements, and that the proposed legislative solution would remedy the issue.
- Given that the intent of SB 1529 (2022) was to limit the \$0 co-pay requirement to the first three primary care visits – whether physical or behavioral health – the -A7 amendment is a clarifying amendment that would remedy this issue. The -A7 Amendment gives the DFR the ability by rule to allow carriers to charge up to a \$5 co-pay, which would allow DFR to resolve the federal mental health parity issues prior to the 2024 plan year.
- Time is of the essence for this amendment, as these changes are needed to enable carriers to file compliant plans for the 2024 plan year, which are filed May 15th, and for DFR to complete its standard plan rulemaking for the plan offerings on the federal marketplace.

We urge you to support this fix, and please let us know if you have any questions.

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