

A-Engrossed
Senate Bill 628

Ordered by the Senate March 10
Including Senate Amendments dated March 10

Sponsored by Senator LIEBER; Senators BONHAM, CAMPOS, GELSER BLOUIN, GORSEK, HAYDEN, KNOPP, PATTERSON, SOLLMAN, WEBER, Representatives CATE, GRAYBER, HELM, HUDSON (Pre-session 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.

Requires health benefit plan and health care service contract coverage of pediatric autoimmune neuropsychiatric disorders associated with streptococcal infections and pediatric acute-onset neuropsychiatric syndrome.

A BILL FOR AN ACT

1
2 Relating to pediatric mental health disorders; creating new provisions; and amending ORS 750.055.

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

4 **SECTION 1. Sections 2 and 3 of this 2023 Act are added to and made a part of the In-**
5 **urance Code.**

6 **SECTION 2. (1) A health benefit plan, as defined in ORS 743B.005, must cover the cost**
7 **of up to three monthly immunomodulatory courses of intravenous immunoglobulin therapy**
8 **for the treatment of pediatric autoimmune neuropsychiatric disorders associated with**
9 **streptococcal infections and pediatric acute-onset neuropsychiatric syndrome, when the fol-**
10 **lowing conditions have been met:**

11 (a) Clinically appropriate trials, which may be done concurrently, of two or more less-
12 intensive treatments were:

13 (A) Not effective;

14 (B) Not tolerated; or

15 (C) Did not result in sustained improvement in symptoms, as measured by a lack of
16 clinically meaningful improvement on a validated instrument directed at the patient's pri-
17 mary symptom complex; and

18 (b) A pediatric subspecialist was consulted and the pediatric subspecialist and the
19 patient's primary care provider recommend the treatment. For an adolescent patient, the
20 consultation may be with an adult subspecialist.

21 (2) The health benefit plan may require that the patient be clinically reevaluated at
22 three-month intervals.

23 (3) This section is exempt from ORS 743A.001.

24 **SECTION 3. For billing and diagnostic purposes, the coverage described in section 2 of**
25 **this 2023 Act may be coded as autoimmune encephalitis until the American Medical Associ-**
26 **ation and the Centers for Medicare and Medicaid Services create and assign a specific billing**
27 **and diagnostic code for pediatric autoimmune neuropsychiatric disorders associated with**

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 **streptococcal infections and pediatric acute-onset neuropsychiatric syndrome.**

2 **SECTION 4.** ORS 750.055, as amended by section 11, chapter 37, Oregon Laws 2022, is amended
3 to read:

4 750.055. (1) The following provisions apply to health care service contractors to the extent not
5 inconsistent with the express provisions of ORS 750.005 to 750.095:

6 (a) ORS 705.137, 705.138 and 705.139.

7 (b) ORS 731.004 to 731.150, 731.162, 731.216 to 731.362, 731.382, 731.385, 731.386, 731.390, 731.398
8 to 731.430, 731.428, 731.450, 731.454, 731.485, as provided in subsection (2) of this section, ORS
9 731.488, 731.504, 731.508, 731.509, 731.510, 731.511, 731.512, 731.574 to 731.620, 731.640 to 731.652,
10 731.730, 731.731, 731.735, 731.737, 731.750, 731.752, 731.804, 731.808 and 731.844 to 731.992.

11 (c) ORS 732.215, 732.220, 732.230, 732.245, 732.250, 732.320, 732.325 and 732.517 to 732.596, not
12 including ORS 732.582.

13 (d) ORS 733.010 to 733.050, 733.080, 733.140 to 733.170, 733.210, 733.510 to 733.680 and 733.695
14 to 733.780.

15 (e) ORS 734.014 to 734.440.

16 (f) ORS 742.001 to 742.009, 742.013, 742.016, 742.061, 742.065, 742.150 to 742.162 and 742.518 to
17 742.542.

18 (g) ORS 743.004, 743.005, 743.007, 743.008, 743.010, 743.018, 743.020, 743.022, 743.023, **743.025**,
19 743.028, 743.029, 743.038, 743.040, 743.044, 743.050, 743.100 to 743.109, 743.402, 743.405, 743.406,
20 743.417, 743.472, 743.492, 743.495, 743.498, 743.522, 743.523, 743.524, 743.526, 743.535, 743.550, 743.650
21 to 743.656, 743.680 to 743.689, 743.788 and 743.790 and section 8, chapter 37, Oregon Laws 2022.

22 (h) ORS 743A.010, 743A.012, 743A.014, 743A.020, 743A.034, 743A.036, 743A.040, 743A.044,
23 743A.048, 743A.051, 743A.052, 743A.058, 743A.060, 743A.062, 743A.063, 743A.064, 743A.065, 743A.066,
24 743A.068, 743A.070, 743A.080, 743A.082, 743A.084, 743A.088, 743A.090, 743A.100, 743A.104, 743A.105,
25 743A.108, 743A.110, 743A.124, 743A.140, 743A.141, 743A.148, 743A.150, 743A.160, 743A.168, 743A.170,
26 743A.175, 743A.185, 743A.188, 743A.190, 743A.192, 743A.250, 743A.252 and 743A.260 and section 2,
27 chapter 771, Oregon Laws 2013, and sections 6 and 7, chapter 37, Oregon Laws 2022, **and section**
28 **2 of this 2023 Act.**

29 (i) ORS [743.025,] 743B.001, 743B.003 to 743B.127, 743B.128, 743B.130, 743B.195, 743B.197,
30 743B.200, 743B.202, 743B.204, 743B.220, 743B.222, 743B.225, 743B.227, 743B.250, 743B.252, 743B.253,
31 743B.254, 743B.255, 743B.256, 743B.257, 743B.258, 743B.280 to 743B.285, 743B.287, 743B.300, 743B.310,
32 743B.320, 743B.323, 743B.330, 743B.340, 743B.341, 743B.342, 743B.343 to 743B.347, 743B.400, 743B.403,
33 743B.407, 743B.420, 743B.423, 743B.450, 743B.451, 743B.452, 743B.453, 743B.470, 743B.475, 743B.505,
34 743B.550, 743B.555, 743B.601, 743B.602 and 743B.800.

35 (j) The following provisions of ORS chapter 744:

36 (A) ORS 744.052 to 744.089, 744.091 and 744.093, relating to the regulation of insurance produc-
37 ers;

38 (B) ORS 744.602 to 744.665, relating to the regulation of insurance consultants; and

39 (C) ORS 744.700 to 744.740, relating to the regulation of third party administrators.

40 (k) ORS 746.005 to 746.140, 746.160, 746.220 to 746.370, 746.600, 746.605, 746.607, 746.608, 746.610,
41 746.615, 746.625, 746.635, 746.650, 746.655, 746.660, 746.668, 746.670, 746.675, 746.680 and 746.690.

42 (2) The following provisions of the Insurance Code apply to health care service contractors ex-
43 cept in the case of group practice health maintenance organizations that are federally qualified
44 pursuant to Title XIII of the Public Health Service Act:

45 (a) ORS 731.485, if the group practice health maintenance organization wholly owns and oper-

1 ates an in-house drug outlet.

2 (b) ORS 743A.024, unless the patient is referred by a physician, physician assistant or nurse
3 practitioner associated with a group practice health maintenance organization.

4 (3) For the purposes of this section, health care service contractors are insurers.

5 (4) Any for-profit health care service contractor organized under the laws of any other state that
6 is not governed by the insurance laws of the other state is subject to all requirements of ORS
7 chapter 732.

8 (5)(a) A health care service contractor is a domestic insurance company for the purpose of de-
9 termining whether the health care service contractor is a debtor, as defined in 11 U.S.C. 109.

10 (b) A health care service contractor's classification as a domestic insurance company under
11 paragraph (a) of this subsection does not subject the health care service contractor to ORS 734.510
12 to 734.710.

13 (6) The Director of the Department of Consumer and Business Services may, after notice and
14 hearing, adopt reasonable rules not inconsistent with this section and ORS 750.003, 750.005, 750.025
15 and 750.045 that are necessary for the proper administration of these provisions.

16 **SECTION 5.** ORS 750.055, as amended by section 21, chapter 771, Oregon Laws 2013, section
17 7, chapter 25, Oregon Laws 2014, section 82, chapter 45, Oregon Laws 2014, section 9, chapter 59,
18 Oregon Laws 2015, section 7, chapter 100, Oregon Laws 2015, section 7, chapter 224, Oregon Laws
19 2015, section 11, chapter 362, Oregon Laws 2015, section 10, chapter 470, Oregon Laws 2015, section
20 30, chapter 515, Oregon Laws 2015, section 10, chapter 206, Oregon Laws 2017, section 6, chapter
21 417, Oregon Laws 2017, section 22, chapter 479, Oregon Laws 2017, section 10, chapter 7, Oregon
22 Laws 2018, section 69, chapter 13, Oregon Laws 2019, section 38, chapter 151, Oregon Laws 2019,
23 section 5, chapter 441, Oregon Laws 2019, section 85, chapter 97, Oregon Laws 2021, and section
24 12, chapter 37, Oregon Laws 2022, is amended to read:

25 750.055. (1) The following provisions apply to health care service contractors to the extent not
26 inconsistent with the express provisions of ORS 750.005 to 750.095:

27 (a) ORS 705.137, 705.138 and 705.139.

28 (b) ORS 731.004 to 731.150, 731.162, 731.216 to 731.362, 731.382, 731.385, 731.386, 731.390, 731.398
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32 (c) ORS 732.215, 732.220, 732.230, 732.245, 732.250, 732.320, 732.325 and 732.517 to 732.596, not
33 including ORS 732.582.

34 (d) ORS 733.010 to 733.050, 733.080, 733.140 to 733.170, 733.210, 733.510 to 733.680 and 733.695
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36 (e) ORS 734.014 to 734.440.

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39 (g) ORS 743.004, 743.005, 743.007, 743.008, 743.010, 743.018, 743.020, 743.022, 743.023, **743.025**,
40 743.028, 743.029, 743.038, 743.040, 743.044, 743.050, 743.100 to 743.109, 743.402, 743.405, 743.406,
41 743.417, 743.472, 743.492, 743.495, 743.498, 743.522, 743.523, 743.524, 743.526, 743.535, 743.550, 743.650
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3 and 7, chapter 37, Oregon Laws 2022, **and section 2 of this 2023 Act.**

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31 paragraph (a) of this subsection does not subject the health care service contractor to ORS 734.510
32 to 734.710.

33 (6) The Director of the Department of Consumer and Business Services may, after notice and
34 hearing, adopt reasonable rules not inconsistent with this section and ORS 750.003, 750.005, 750.025
35 and 750.045 that are necessary for the proper administration of these provisions.

36 **SECTION 6. Section 2 of this 2023 Act and the amendments to ORS 750.055 by sections**
37 **4 and 5 of this 2023 Act apply to health benefit plans and health care service contracts issued,**
38 **renewed or extended on or after the effective date of this 2023 Act.**

39 **SECTION 7. Section 3 of this 2023 Act is repealed on January 2, 2028.**

40