

Requested by Senator PATTERSON

**PROPOSED AMENDMENTS TO
SENATE BILL 491**

1 On page 1 of the printed bill, line 2, after “ORS” insert “646A.628, 731.804
2 and”.

3 On page 3, after line 10, insert:

4 “(6) Subject to ORS 746.021, this section does not require a health benefit
5 plan offered by an insurer described in ORS 743A.067 (7)(e) to reimburse the
6 cost of:

7 “(a) Procedures described in subsection (3)(a)(C), (G), (I), (K) or (L) of this
8 section; or

9 “(b) Embryo transfer, cryopreservation or storage procedures described in
10 subsection (3)(a)(A), (D), (J) or (O) of this section.”.

11 In line 11, delete “(6)” and insert “(7)”.

12 After line 36, insert:

13 **“SECTION 4. (1) The Oregon Health Authority shall contract with
14 a third party administrator or a health insurance carrier to provide
15 to enrollees in health benefit plans described in section 2 (6) of this
16 2023 Act reimbursement for the costs of:**

17 **“(a) Procedures described in section 2 (3)(a)(C), (G), (I), (K) or (L)
18 of this 2023 Act.**

19 **“(b) Embryo transfer, cryopreservation or storage procedures de-
20 scribed in section 2 (3)(a)(A), (D), (J) or (O) of this 2023 Act.**

21 **“(2) The authority shall establish application processes and proce-**

1 **dures for enrollees to access the coverage under subsection (1) of this**
2 **section.**

3 **“(3) The authority may adopt rules necessary to carry out the pro-**
4 **visions of this section.**

5 **“SECTION 5. The Market Equity Fund is established in the State**
6 **Treasury, separate and distinct from the General Fund, consisting of**
7 **fees paid to the Director of the Department of Consumer and Business**
8 **Services that are described in ORS 731.804 (3)(e). Moneys in the Market**
9 **Equity Fund are continuously appropriated to the Oregon Health Au-**
10 **thority to carry out the provisions of section 4 of this 2023 Act.**

11 **“SECTION 6. ORS 646A.628 is amended to read:**

12 **“646A.628. Notwithstanding ORS 705.145 (2), (3) and (5), the Director of**
13 **the Department of Consumer and Business Services can allocate as deemed**
14 **appropriate the moneys derived pursuant to ORS 86A.095 to 86A.198, 86A.990,**
15 **86A.992, 650.005 to 650.100, 697.005 to 697.095, 697.602 to 697.842, 705.350,**
16 **[and] 717.200 to 717.320 and 731.804 (1) and (2) and ORS chapters 59, 645, 706**
17 **to 716, 723, 725 and 726 to implement ORS 646A.600 to 646A.628.**

18 **“SECTION 7. ORS 731.804 is amended to read:**

19 **“731.804. (1) Except as otherwise provided in this section, each authorized**
20 **insurer doing business in this state shall pay assessments that the Director**
21 **of the Department of Consumer and Business Services determines are neces-**
22 **sary to support the legislatively authorized budget of the Department of**
23 **Consumer and Business Services with respect to functions of the department**
24 **under the Insurance Code. The director shall determine the assessments ac-**
25 **cording to one or more percentage rates established by the director by rule.**
26 **The director shall specify in the rule when assessments shall be made and**
27 **payments shall be due. The premium-weighted average of the percentage**
28 **rates may not exceed nine-hundredths of one percent of the gross amount of**
29 **premiums received by an insurer or the insurer’s insurance producers from**
30 **and under the insurer’s policies covering direct domestic risks, after deduct-**

1 ing the amount of return premiums paid and the amount of dividend pay-
2 ments made to policyholders with respect to such policies. In the case of
3 reciprocal insurers, the amount of savings paid or credited to the accounts
4 of subscribers shall be deducted from the gross amount of premiums. In es-
5 tablishing the percentage rate or rates, the director shall use the most recent
6 premium data approved by the director. In establishing the amounts to be
7 collected under this subsection, the director shall take into consideration the
8 expenses of the department for administering the Insurance Code and the
9 fees collected under subsection (2) of this section. When the director estab-
10 lishes two or more percentage rates:

11 “(a) Each rate shall be based on such expenses of the department ascribed
12 by the director to the line of insurance for which the rate is established.

13 “(b) Each rate shall be applied to the gross amount of premium received
14 by an insurer or its insurance producers for the applicable line of insurance
15 as provided in this subsection.

16 “(2) The director may collect fees for specific services provided by the
17 department under the Insurance Code according to a schedule of fees estab-
18 lished by the director by rule. The director may collect such fees in advance.
19 In establishing the schedule for fees, the director shall take into consider-
20 ation the cost of each service for which a fee is imposed.

21 “(3)(a) Notwithstanding the provisions of ORS 743A.067 (7)(e) and
22 743A.067 (9), for the purpose of mitigating inequity in the health insurance
23 market, the director may assess a fee on any insurer that offers a health
24 benefit plan, as defined in ORS 743B.005, that is exempt from a provision of
25 ORS chapter 743A or other provision of the Insurance Code that requires
26 specified coverage by health benefit plans.

27 “(b) Any fees collected under paragraph (a) of this subsection must be the
28 actuarial equivalent of costs attributed to the provision and administration
29 of the required coverage by an insurer that is not exempt.

30 “(c) Nothing in this section limits the authority of the director to enforce

1 the provisions of ORS chapter 743A if an insurer unlawfully fails to comply.

2 “(d) [*Notwithstanding ORS 646A.628,*] **Except as provided in paragraph**
3 **(e) of this subsection,** fees paid in accordance with paragraph (a) of this
4 subsection shall be deposited in the General Fund to become available for
5 general governmental expenses.

6 “(e) **Fees paid under this subsection by insurers for health benefit**
7 **plans described in section 2 (6) of this 2023 Act shall be deposited in**
8 **the Market Equity Fund established in section 5 of this 2023 Act.**

9 “(4) Establishment and amendment of the schedule of fees under sub-
10 section (2) of this section are subject to prior approval of the Oregon De-
11 partment of Administrative Services and a report to the Emergency Board
12 prior to adopting the fees and shall be within the budget authorized by the
13 Legislative Assembly as that budget may be modified by the Emergency
14 Board.

15 “(5) The director may not collect an assessment under subsection (1) of
16 this section from any of the following persons:

17 “(a) A fraternal benefit society complying with ORS chapter 748.

18 “(b) Any person or class of persons designated by the director by rule.

19 “(6) The director may not collect an assessment under subsection (1) of
20 this section with respect to premiums received from any of the following
21 policies:

22 “(a) Workers’ compensation insurance policies.

23 “(b) Wet marine and transportation insurance policies.

24 “(c) Any category of policies designated by the director by rule.”

25 In line 37, delete “4” and insert “8”.

26 On page 7, line 3, delete “5” and insert “9”.

27 In line 5, delete “6” and insert “10” and after “ORS” insert “646A.628,
28 731.804 and” delete “section 4” and insert “sections 4, 6 and 7”.

29 In line 7, delete “7” and insert “11”.

30 In line 8, delete “8” and insert “12”.

