

## HOUSE AMENDMENTS TO HOUSE BILL 2205

By COMMITTEE ON BEHAVIORAL HEALTH AND HEALTH CARE

April 14

1 On page 1 of the printed bill, line 3, after “414.590” insert “and section 2, chapter 441, Oregon  
2 Laws 2023”.

3 Delete lines 5 through 28 and delete pages 2 and 3 and insert:

4 “**SECTION 1.** ORS 414.590 is amended to read:

5 “414.590. (1) As used in this section:

6 “(a) ‘Benefit period’ means a period of time, shorter than the [*five-year*] contract term, for which  
7 specific terms and conditions in a contract between a coordinated care organization and the Oregon  
8 Health Authority are in effect.

9 “(b) ‘Renew’ means an agreement by a coordinated care organization to amend the terms or  
10 conditions of an existing contract for the next benefit period.

11 “(2) A contract entered into between the authority and a coordinated care organization under  
12 ORS 414.572 (1):

13 “(a) Shall be:

14 “(A) For [*a*] **an initial** term of **no less than** five years; **and**

15 “(B) **The same length for all coordinated care organizations contracting with the au-**  
16 **thority;**

17 “(b) Except as provided in subsection (4) of this section, may not be amended more than once  
18 in each 12-month period; and

19 “(c) May be terminated by the authority if a coordinated care organization fails to meet outcome  
20 and quality measures specified in the contract or is otherwise in breach of the contract.

21 “(3) This section does not prohibit the authority from allowing a coordinated care organization  
22 a reasonable amount of time in which to cure any failure to meet outcome and quality measures  
23 specified in the contract prior to the termination of the contract.

24 “(4) A contract entered into between the authority and a coordinated care organization may be  
25 amended:

26 “(a) More than once in each 12-month period if:

27 “(A) The authority and the coordinated care organization mutually agree to amend the contract;

28 or

29 “(B) Amendments are necessitated by changes in federal or state law.

30 “(b) Once within the first eight months of the effective date of the contract if needed to adjust  
31 the global budget of a coordinated care organization, retroactive to the beginning of the calendar  
32 year, to take into account changes in the membership of the coordinated care organization or the  
33 health status of the coordinated care organization’s members.

34 “(5) Except as provided in subsection (8) of this section, the authority must give a coordinated  
35 care organization at least 60 days’ advance notice of any amendments the authority proposes to

1 existing contracts between the authority and the coordinated care organization.

2 “(6) Except as provided in subsection (4)(b) of this section, an amendment to a contract may  
3 apply retroactively only if:

4 “(a) The amendment does not result in a claim by the authority for the recovery of amounts paid  
5 by the authority to the coordinated care organization prior to the date of the amendment; or

6 “(b) The Centers for Medicare and Medicaid Services notifies the authority, in writing, that the  
7 amendment is a condition for approval of the contract by the Centers for Medicare and Medicaid  
8 Services.

9 “(7) If an amendment to a contract under subsection (6)(b) of this section or other circumstances  
10 arise that result in a claim by the authority for the recovery of amounts previously paid to a coor-  
11 dinated care organization by the authority, the authority shall ensure that the recovery does not  
12 have a material adverse effect on the coordinated care organization’s ability to maintain the re-  
13 quired minimum amounts of risk-based capital.

14 “(8) No later than 134 days prior to the end of a benefit period, the authority shall provide to  
15 each coordinated care organization notice of the proposed changes to the terms and conditions of  
16 a contract, as will be submitted to the Centers for Medicare and Medicaid Services for approval, for  
17 the next benefit period.

18 “(9) A coordinated care organization must notify the authority of the coordinated care  
19 organization’s refusal to renew a contract with the authority no later than 14 days after the au-  
20 thority provides the notice described in subsection (8) of this section. Except as provided in sub-  
21 sections (10) and (11) of this section, a refusal to renew terminates the contract at the end of the  
22 benefit period.

23 “(10) The authority may require a contract to remain in force into the next benefit period and  
24 be amended as proposed by the authority until 90 days after the coordinated care organization has,  
25 in accordance with criteria prescribed by the authority:

26 “(a) Notified each of its members and contracted providers of the termination of the contract;

27 “(b) Provided to the authority a plan to transition its members to another coordinated care or-  
28 ganization; and

29 “(c) Provided to the authority a plan for closing out its coordinated care organization business.

30 “(11) The authority may waive compliance with the deadlines in subsections (9) and (10) of this  
31 section if the Director of the Oregon Health Authority finds that the waiver of the deadlines is  
32 consistent with the effective and efficient administration of the medical assistance program and the  
33 protection of medical assistance recipients.

34 “**SECTION 2.** Section 2, chapter 441, Oregon Laws 2023, is amended to read:

35 “**Sec. 2.** [*Notwithstanding ORS 414.590 (2)(a),*] A contract entered into between the Oregon  
36 Health Authority and a coordinated care organization under ORS 414.572 (1) that is in effect on [*the*  
37 *effective date of this 2023 Act*] **July 27, 2023**, shall be extended to December 31, 2026, **unless further**  
38 **extended by the authority.**

39 “**SECTION 3.** **The amendments to ORS 414.590 by section 1 of this 2025 Act apply to**  
40 **contracts between the Oregon Health Authority and a coordinated care organization that are**  
41 **in effect on the effective date of this 2025 Act or that are entered into, amended or renewed**  
42 **on or after the effective date of this 2025 Act.”.**