

From: [Karen Fessel](#)
To: [Rep Barker](#); [Rep Barreto](#); [Rep Bynum](#); [Rep Boles](#); [Rep Bonham](#); [Rep BoshartDavis](#); [Rep Clem](#); [Rep Doherty](#); [Rep Evans](#); [Rep Fahey](#); [Rep Holvey](#); [Rep Williamson](#); [HBL Exhibits](#); paul@AutismInsuranceOR.org
Subject: Support HB2956 – Procedures for Insurance Enforcement
Date: Friday, May 31, 2019 5:15:46 PM
Attachments: [Outlook-1461285639.png](#)

Dear Chair Barker and members of the House Committee on Business and Labor,

I'm writing in support of HB2956, which would require Oregon's Insurance Commissioner to:

- Establish and publish a process for investigating consumer complaints about violations of the Insurance Code
- Make recommendations to the legislature about improvements to the Insurance Code regarding investigation and enforcement of consumer complaints about violations of the Insurance Code
- Allow consumers to designate a representative (such as a family member, health care provider, or advocate) that can communicate with the Insurance Commissioner on their behalf about a complaint.

I am writing to you as an advocate for mental health and autism services. Approximately ten years ago, I founded a non-profit, The Mental Health and Autism Insurance Project (www.mhautism.org) to assist families in getting services that their loved ones so desperately need through their health insurance plans. While much has been done in the interim to improve the laws that allow clients to access life saving treatments, the insurance industry continues to deny services illegally, "loses" documents, fails to pay claims, and constructs a variety of barriers to allow access to treatments.

Our organizations works with families throughout the country, including many in neighboring Oregon. A client of mine was the only one to receive restitution under SB 414 to date. We were not aware of the law at the time. I think we had an outstanding advocate within the DOI who perhaps spoke up for us, -- to this day, I don't know how it came to be awarded, though I will say that the the insurance company we were working with did everything in their power to not pay the claims. I am sorry that other Oregonions have not benefitted from it. It is landmark legislation of which you all should be proud. I would love to see it replicated in other states, and have submitted it to CA legislators suggesting that they advance it.

As a general matter, we all expect our public officials to demonstrate transparency in their actions and in following the law. It should not be necessary to make formal requests for public records. Many states publish enforcement and other relevant actions on their websites.

Since Oregon consumers don't have a private right of action, they are dependent on the Insurance Commissioner to enforce the insurance code. While the Insurance Commissioner has the authority (under SB414 from 2013) to seek restitution on behalf of consumers, this is almost never done, and consumers are never consulted or even informed about the Commissioner's ability to help them in this way.

Health plans frequently do not follow the law, especially when it comes to approving health care services and processing claims. While most states have processes to address medical necessity denials (which frequently fall short of the mark), administrative (non-medically based) denials occur

just as frequently. Ability to enforce varies greatly by state. As a consumer advocate, consumers need all the tools in the arsenal that they can get when it comes to holding the health care industry responsible for providing vital services.

Please support HB2956, to direct the Insurance Commissioner to establish a formal complaints process, and to get consumer input on the enforcement process. Thank you for your consideration and support.

Sincerely,



Karen Fessel, Dr PH

Executive Director and Founder

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