Requested by Representative NOSSE (at the request of Department of Consumer and Business Services)

PROPOSED AMENDMENTS TO
HOUSE BILL 3074

1   On page 1 of the printed bill, delete lines 4 through 31.

2   On page 2, delete lines 1 through 30 and insert:

3   **"SECTION 1.** ORS 743.019 is amended to read:

4   "743.019. (1) When an insurer files a schedule or table of premium rates

5   for individual or small employer health [*insurance*] **benefit plans** under ORS

6   743.018, the Department of Consumer and Business Services shall open a

7   30-day public comment period on the rate filing that begins on the date the

8   insurer files the schedule or table of premium rates. The department shall

9   post all of the comments received to the department's website without delay.

10   "(2) **After the close of the public comment period described in sub-**

11   **section (1) of this section,** the department shall [*make*] **issue** a preliminary

12   decision to approve, disapprove or modify a rate filing. The department shall

13   notify the insurer of, and make available to the public, the preliminary de-

14   cision, including:

15   "(a) An explanation of the findings and rationale that are the basis for

16   the **preliminary** decision; and

17   "(b) Any actuarial or other analyses, calculations or evaluations relied

18   upon by the department in arriving at the **preliminary** decision.

19   "(3) The department shall provide the insurer or any person adversely

20   affected or aggrieved by the preliminary decision the opportunity to meet

21   with the department to discuss and respond to the preliminary decision.

1 However, an insurer or other person may not substitute new facts or data

2 for the facts or data submitted by the insurer in the filing. The meeting

3 shall:

4 "(a) Include a department employee who reviewed the rate filing; and

5 "(b) Comply with the requirements of ORS 192.610 to 192.690.

6 "[*(4)(a) The department may approve a modified rate filing only with the*

7 *written consent of the insurer. An insurer's consent to the modified rate filing*

8 *does not preclude the insurer from contesting the modified rate filing by re-*

9 *questing a reconsideration under subsection (6) of this section or by requesting*

10 *a contested case hearing.*]

11 "[*(b) If the modified rate filing is reversed as a result of a reconsideration*

12 *or contested case hearing, the rate filing, as approved in the reconsideration*

13 *or final order in a contested case, may take effect on or after the date of the*

14 *reconsideration or final order, in accordance with rules adopted by the de-*

15 *partment.*]

16 "[*(5)(a)*] **(4)(a)** The department shall issue [*an*] **a proposed** order, no later

17 than 30 days after the [*close of the public comment period described in sub-*

18 *section (1) of this section, approving, disapproving or modifying*] **department**

19 **issues a preliminary decision under subsection (2) of this section, to**

20 **approve, disapprove or modify** the rate filing based on the information

21 submitted during the public comment period. [*However,*]

22 **"(b) In issuing the proposed order,** the department may not consider

23 new facts or data that are offered as a substitute for the facts or data sub-

24 mitted by the insurer in the filing.

25 **"(c)** The [*order shall be mailed*] **department shall mail the proposed**

26 **order** to the insurer and [*posted*] **post the proposed order** to the

27 department's website.

28 "[*(b)*] **(d)** The **proposed** order must include:

29 "(A) An explanation of the findings and rationale that are the basis for

30 the **proposed** order, including any actuarial or other analyses, calculations

1 or evaluations relied upon by the department in its findings or rationale; and

2 "(B) Notice of the right of the insurer or any person adversely affected

3 or aggrieved by the **proposed** order to [*contest the order by requesting:*]

4 "[*(i) An expedited reconsideration in accordance with subsection (6) of this*

5 *section; or*]

6 "[*(ii) A contested case hearing in accordance with ORS chapter 183.*] **re-**

7 **quest a review by the Director of the Department of Consumer and**

8 **Business Services, in accordance with subsection (6) of this section,**

9 **no later than 10 days after the date that the proposed order was issued.**

10 **"(5) If the insurer or person adversely affected or aggrieved by the**

11 **proposed order does not timely request a review of the proposed order**

12 **by the director, the director shall issue a final order as described in**

13 **subsection (6)(d) of this section.**

14 "[*(6) If an insurer or a person adversely affected or aggrieved by an order*

15 *approving, disapproving or modifying a rate filing submits to the department*

16 *a request for reconsideration no later than 10 days after the date the order is*

17 *issued under subsection (5) of this section:*]

18 **"(6) If the insurer or a person adversely affected or aggrieved by the**

19 **proposed order timely requests a review by the director of the proposed**

20 **order:**

21 "(a) The requester may not substitute new facts or data for the facts and

22 data that were submitted by the insurer in the filing, but may provide a

23 brief, memorandum or analysis based on the evidence contained in the filing

24 or received and considered by the department during the public comment

25 period;

26 "(b) The director [*of the Department of Consumer and Business Services*]

27 may not delegate the decision-making authority for the [*reconsideration*] re-

28 quest **for review** to any other individual;

29 "(c) The director shall issue a [*decision on the request for*

30 *reconsideration*] **final order** no later than 30 days after the request **for re-**

1 **view** is received by the [*department*] **director**; and

2 "(d) The decision shall include:

3 "(A) An explanation of the findings and rationale that are the basis for

4 the decision; and

5 "(B) Notice of the right to a contested case hearing in accordance with

6 ORS chapter 183.

7 "(7) Subsections (2) [*and (5)*] **to (6)** of this section do not require the de-

8 partment to perform any actuarial or other analyses, calculations or evalu-

9 ations.

10 "(8) The department may adopt rules modifying the procedures described

11 in subsections (2) to (6) of this section, but only to the extent necessary to

12 comply with 42 U.S.C. 300gg-94.".

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