

HB 2956-1
(LC 4173)
3/19/19 (TSB/ps)

Requested by Representative WILLIAMSON (at the request of Paul Terdal)

**PROPOSED AMENDMENTS TO
HOUSE BILL 2956**

1 On page 1 of the printed bill, line 3, after “ORS” insert “731.236 and”.

2 On page 2, delete lines 5 through 21 and insert:

3 “(5)(a) As used in this subsection, ‘authorized representative’ means a
4 member of a person’s family, the person’s health care provider, the person’s
5 attorney, an elected representative of this state or another person that the
6 person designates.

7 “(b) The director may disclose information in a complaint the director
8 receives under this section to an authorized representative of the person who
9 made the complaint.”.

10 Delete lines 38 through 45 and delete page 3 and insert:

11 “(4)(a) As used in this subsection, ‘authorized representative’ means a
12 member of a person’s family, the person’s health care provider, the person’s
13 attorney, an elected representative of this state or another person that the
14 person designates.

15 “(b) The director may disclose information in a complaint the director
16 receives under this section to an authorized representative of the person who
17 made the complaint.

18 **“SECTION 4.** ORS 731.236 is amended to read:

19 “731.236. (1) The Director of the Department of Consumer and Business
20 Services shall enforce the provisions of the Insurance Code for the public
21 good, and shall execute the duties imposed by the code.

1 “(2) The director has the powers and authority expressly conferred by or
2 reasonably implied from the provisions of the Insurance Code.

3 “(3) The director may conduct such examinations and investigations of
4 insurance matters, in addition to examinations and investigations expressly
5 authorized, as the director considers proper to determine whether any person
6 has violated any provision of the Insurance Code or to secure information
7 useful in the lawful administration of any such provision. The cost of such
8 additional examinations and investigations shall be borne by the state.

9 “(4) **The director by rule shall establish procedures for investigating**
10 **complaints the director receives under ORS 731.264. The procedures**
11 **must:**

12 “(a) **Set schedules and deadlines for completing an investigation;**

13 “(b) **Specify standards for regular and informative communication**
14 **with the person who made the complaint;**

15 “(c) **Specify procedures for:**

16 “(A) **Presenting a complaint and evidence to support the complaint;**
17 **and**

18 “(B) **Answering a complaint and presenting rebutting evidence;**

19 “(d) **Specify the form and permissible contents of findings and de-**
20 **isions concerning a complaint;**

21 “(e) **Identify the range of potential enforcement actions the De-**
22 **partment of Consumer and Business Services may take with respect**
23 **to the complaint;**

24 “(f) **Specify standards and procedures for involving the person who**
25 **made the complaint in a determination of appropriate restitution and**
26 **equitable relief under ORS 731.256; and**

27 “(g) **Specify procedures for appealing the department’s determi-**
28 **nation.**

29 “[4] (5) The director has such additional powers and duties as may be
30 provided by other laws of this state.

1 **“SECTION 5. (1) The amendments to ORS 731.236 and 731.264 by**
2 **sections 2 to 4 of this 2019 Act become operative on January 1, 2020.**

3 **“(2) The Director of the Department of Consumer and Business**
4 **Services may adopt rules and take any other action before the opera-**
5 **tive date specified in subsection (1) of this section that is necessary**
6 **to enable the director, on and after the operative date specified in**
7 **subsection (1) of this section, to exercise and undertake all of the du-**
8 **ties, functions and powers conferred on the director by the amend-**
9 **ments to ORS 731.236 and 731.264 by sections 2 to 4 of this 2019 Act.**

10 **“SECTION 6. This 2019 Act being necessary for the immediate**
11 **preservation of the public peace, health and safety, an emergency is**
12 **declared to exist, and this 2019 Act takes effect on its passage.”.**

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