

# House Bill 2390

Sponsored by Representative PRUSAK, Senators GORSEK, LIEBER (Pre-session filed.)

## SUMMARY

The following summary is not prepared by the sponsors of the measure and is not a part of the body thereof subject to consideration by the Legislative Assembly. It is an editor's brief statement of the essential features of the measure **as introduced**.

Requires health benefit plan and health care service contract coverage of pediatric autoimmune neuropsychiatric disorders associated with streptococcal infections and pediatric acute-onset neuropsychiatric syndrome.

## A BILL FOR AN ACT

1  
2 Relating to pediatric mental health disorders; creating new provisions; and amending ORS 750.055.

3 **Be It Enacted by the People of the State of Oregon:**

4 **SECTION 1. Sections 2 and 3 of this 2021 Act are added to and made a part of the In-**  
5 **urance Code.**

6 **SECTION 2. (1) A health benefit plan, as defined in ORS 743B.005, must cover the cost**  
7 **of treatment for pediatric autoimmune neuropsychiatric disorders associated with**  
8 **streptococcal infections and pediatric acute-onset neuropsychiatric syndrome, including but**  
9 **not limited to intravenous immunoglobulin therapy and plasmapheresis.**

10 **(2) This section is exempt from ORS 743A.001.**

11 **SECTION 3. For billing and diagnostic purposes, the coverage described in section 2 of**  
12 **this 2021 Act may be coded as autoimmune encephalitis until the American Medical Associ-**  
13 **ation and the Centers for Medicare and Medicaid Services create and assign a specific billing**  
14 **and diagnostic code for pediatric autoimmune neuropsychiatric disorders associated with**  
15 **streptococcal infections and pediatric acute-onset neuropsychiatric syndrome.**

16 **SECTION 4. ORS 750.055 is amended to read:**

17 750.055. (1) The following provisions apply to health care service contractors to the extent not  
18 inconsistent with the express provisions of ORS 750.005 to 750.095:

19 (a) ORS 705.137, 705.138 and 705.139.

20 (b) ORS 731.004 to 731.150, 731.162, 731.216 to 731.362, 731.382, 731.385, 731.386, 731.390, 731.398  
21 to 731.430, 731.428, 731.450, 731.454, 731.485, as provided in subsection (2) of this section, ORS  
22 731.488, 731.504, 731.508, 731.509, 731.510, 731.511, 731.512, 731.574 to 731.620, 731.640 to 731.652,  
23 731.730, 731.731, 731.735, 731.737, 731.750, 731.752, 731.804, 731.808 and 731.844 to 731.992.

24 (c) ORS 732.215, 732.220, 732.230, 732.245, 732.250, 732.320, 732.325 and 732.517 to 732.596, not  
25 including ORS 732.582.

26 (d) ORS 733.010 to 733.050, 733.080, 733.140 to 733.170, 733.210, 733.510 to 733.680 and 733.695  
27 to 733.780.

28 (e) ORS 734.014 to 734.440.

29 (f) ORS 742.001 to 742.009, 742.013, 742.016, 742.061, 742.065, 742.150 to 742.162 and 742.518 to  
30 742.542.

31 (g) ORS 743.004, 743.005, 743.007, 743.008, 743.010, 743.018, 743.020, 743.022, 743.023, **743.025**,

**NOTE:** Matter in **boldfaced** type in an amended section is new; matter [*italic and bracketed*] is existing law to be omitted.  
New sections are in **boldfaced** type.

1 743.028, 743.029, 743.038, 743.040, 743.044, 743.050, 743.100 to 743.109, 743.402, 743.405, 743.406,  
 2 743.417, 743.472, 743.492, 743.495, 743.498, 743.522, 743.523, 743.524, 743.526, 743.535, 743.550, 743.650  
 3 to 743.656, 743.680 to 743.689, 743.788 and 743.790.

4 (h) ORS 743A.010, 743A.012, 743A.014, 743A.020, 743A.034, 743A.036, 743A.040, 743A.044,  
 5 743A.048, 743A.051, 743A.052, 743A.058, 743A.060, 743A.062, 743A.063, 743A.064, 743A.065, 743A.066,  
 6 743A.068, 743A.070, 743A.080, 743A.082, 743A.084, 743A.088, 743A.090, 743A.100, 743A.104, 743A.105,  
 7 743A.108, 743A.110, 743A.124, 743A.140, 743A.141, 743A.148, 743A.150, 743A.160, 743A.168, 743A.170,  
 8 743A.175, 743A.185, 743A.188, 743A.190, 743A.192, 743A.250, 743A.252 and 743A.260 and section 2,  
 9 chapter 771, Oregon Laws 2013, **and section 2 of this 2021 Act.**

10 (i) ORS [743.025,] 743B.001, 743B.003 to 743B.127, 743B.128, 743B.130, 743B.195 to 743B.204,  
 11 743B.220, 743B.222, 743B.225, 743B.227, 743B.250, 743B.252, 743B.253, 743B.254, 743B.255, 743B.256,  
 12 743B.257, 743B.258, 743B.280 to 743B.285, 743B.287, 743B.300, 743B.310, 743B.320, 743B.323, 743B.330,  
 13 743B.340, 743B.341, 743B.342, 743B.343 to 743B.347, 743B.400, 743B.403, 743B.407, 743B.420, 743B.423,  
 14 743B.450, 743B.451, 743B.452, 743B.453, 743B.470, 743B.475, 743B.505, 743B.550, 743B.555, 743B.601,  
 15 743B.602 and 743B.800.

16 (j) The following provisions of ORS chapter 744:

17 (A) ORS 744.052 to 744.089, 744.091 and 744.093, relating to the regulation of insurance produc-  
 18 ers;

19 (B) ORS 744.602 to 744.665, relating to the regulation of insurance consultants; and

20 (C) ORS 744.700 to 744.740, relating to the regulation of third party administrators.

21 (k) ORS 746.005 to 746.140, 746.160, 746.220 to 746.370, 746.600, 746.605, 746.607, 746.608, 746.610,  
 22 746.615, 746.625, 746.635, 746.650, 746.655, 746.660, 746.668, 746.670, 746.675, 746.680 and 746.690.

23 (2) The following provisions of the Insurance Code apply to health care service contractors ex-  
 24 cept in the case of group practice health maintenance organizations that are federally qualified  
 25 pursuant to Title XIII of the Public Health Service Act:

26 (a) ORS 731.485, if the group practice health maintenance organization wholly owns and oper-  
 27 ates an in-house drug outlet.

28 (b) ORS 743A.024, unless the patient is referred by a physician, physician assistant or nurse  
 29 practitioner associated with a group practice health maintenance organization.

30 (3) For the purposes of this section, health care service contractors are insurers.

31 (4) Any for-profit health care service contractor organized under the laws of any other state that  
 32 is not governed by the insurance laws of the other state is subject to all requirements of ORS  
 33 chapter 732.

34 (5)(a) A health care service contractor is a domestic insurance company for the purpose of de-  
 35 termining whether the health care service contractor is a debtor, as defined in 11 U.S.C. 109.

36 (b) A health care service contractor's classification as a domestic insurance company under  
 37 paragraph (a) of this subsection does not subject the health care service contractor to ORS 734.510  
 38 to 734.710.

39 (6) The Director of the Department of Consumer and Business Services may, after notice and  
 40 hearing, adopt reasonable rules not inconsistent with this section and ORS 750.003, 750.005, 750.025  
 41 and 750.045 that are necessary for the proper administration of these provisions.

42 **SECTION 5.** ORS 750.055, as amended by section 21, chapter 771, Oregon Laws 2013, section  
 43 7, chapter 25, Oregon Laws 2014, section 82, chapter 45, Oregon Laws 2014, section 9, chapter 59,  
 44 Oregon Laws 2015, section 7, chapter 100, Oregon Laws 2015, section 7, chapter 224, Oregon Laws  
 45 2015, section 11, chapter 362, Oregon Laws 2015, section 10, chapter 470, Oregon Laws 2015, section

1 30, chapter 515, Oregon Laws 2015, section 10, chapter 206, Oregon Laws 2017, section 6, chapter  
 2 417, Oregon Laws 2017, section 22, chapter 479, Oregon Laws 2017, section 10, chapter 7, Oregon  
 3 Laws 2018, section 69, chapter 13, Oregon Laws 2019, section 38, chapter 151, Oregon Laws 2019,  
 4 and section 5, chapter 441, Oregon Laws 2019, is amended to read:

5 750.055. (1) The following provisions apply to health care service contractors to the extent not  
 6 inconsistent with the express provisions of ORS 750.005 to 750.095:

7 (a) ORS 705.137, 705.138 and 705.139.

8 (b) ORS 731.004 to 731.150, 731.162, 731.216 to 731.362, 731.382, 731.385, 731.386, 731.390, 731.398  
 9 to 731.430, 731.428, 731.450, 731.454, 731.485, as provided in subsection (2) of this section, ORS  
 10 731.488, 731.504, 731.508, 731.509, 731.510, 731.511, 731.512, 731.574 to 731.620, 731.640 to 731.652,  
 11 731.730, 731.731, 731.735, 731.737, 731.750, 731.752, 731.804, 731.808 and 731.844 to 731.992.

12 (c) ORS 732.215, 732.220, 732.230, 732.245, 732.250, 732.320, 732.325 and 732.517 to 732.596, not  
 13 including ORS 732.582.

14 (d) ORS 733.010 to 733.050, 733.080, 733.140 to 733.170, 733.210, 733.510 to 733.680 and 733.695  
 15 to 733.780.

16 (e) ORS 734.014 to 734.440.

17 (f) ORS 742.001 to 742.009, 742.013, 742.016, 742.061, 742.065, 742.150 to 742.162 and 742.518 to  
 18 742.542.

19 (g) ORS 743.004, 743.005, 743.007, 743.008, 743.010, 743.018, 743.020, 743.022, 743.023, **743.025**,  
 20 743.028, 743.029, 743.038, 743.040, 743.044, 743.050, 743.100 to 743.109, 743.402, 743.405, 743.406,  
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 27 743A.175, 743A.185, 743A.188, 743A.190, 743A.192, 743A.250, 743A.252 and 743A.260 **and section 2**  
 28 **of this 2021 Act.**

29 (i) ORS [743.025,] 743B.001, 743B.003 to 743B.127, 743B.128, 743B.130, 743B.195 to 743B.204,  
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 33 743B.450, 743B.451, 743B.452, 743B.453, 743B.470, 743B.475, 743B.505, 743B.550, 743B.555, 743B.601,  
 34 743B.602 and 743B.800.

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36 (A) ORS 744.052 to 744.089, 744.091 and 744.093, relating to the regulation of insurance produc-  
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39 (C) ORS 744.700 to 744.740, relating to the regulation of third party administrators.

40 (k) ORS 746.005 to 746.140, 746.160, 746.220 to 746.370, 746.600, 746.605, 746.607, 746.608, 746.610,  
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3 practitioner associated with a group practice health maintenance organization.

4 (3) For the purposes of this section, health care service contractors are insurers.

5 (4) Any for-profit health care service contractor organized under the laws of any other state that  
6 is not governed by the insurance laws of the other state is subject to all requirements of ORS  
7 chapter 732.

8 (5)(a) A health care service contractor is a domestic insurance company for the purpose of de-  
9 termining whether the health care service contractor is a debtor, as defined in 11 U.S.C. 109.

10 (b) A health care service contractor's classification as a domestic insurance company under  
11 paragraph (a) of this subsection does not subject the health care service contractor to ORS 734.510  
12 to 734.710.

13 (6) The Director of the Department of Consumer and Business Services may, after notice and  
14 hearing, adopt reasonable rules not inconsistent with this section and ORS 750.003, 750.005, 750.025  
15 and 750.045 that are necessary for the proper administration of these provisions.

16 **SECTION 6. Section 2 of this 2021 Act and the amendments to ORS 750.055 by sections**  
17 **4 and 5 of this 2021 Act apply to health benefit plans and health care service contracts issued,**  
18 **renewed or extended on or after the effective date of this 2021 Act.**

19 **SECTION 7. Section 3 of this 2021 Act is repealed on January 2, 2026.**

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