

# Senate Bill 748

Sponsored by Senator GELSER

## 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 Public Employees' Benefit Board, Oregon Educators Benefit Board and private insurers to provide insurance coverage to adult disabled children and adult disabled siblings of insureds under certain circumstances.

## A BILL FOR AN ACT

1  
2 Relating to benefit plans; creating new provisions; and amending ORS 743A.090.

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

4 **SECTION 1. Section 2 of this 2021 Act is added to and made a part of ORS 243.105 to**  
5 **243.285.**

6 **SECTION 2. (1) If the Public Employees' Benefit Board provides options under which an**  
7 **eligible employee may arrange coverage for family members under ORS 243.135, the board**  
8 **shall allow coverage of a disabled adult child or disabled adult sibling of the eligible employee**  
9 **if:**

10 (a) **The eligible employee provides a statement from a physician certifying that the adult**  
11 **disabled child or adult disabled sibling has an ongoing disability that prevents the adult child**  
12 **or adult sibling from engaging in self-sustaining employment;**

13 (b) **The adult child or adult sibling was covered by a parent's, guardian's or sibling's in-**  
14 **surance immediately before the time the adult child or adult sibling exceeded the age for**  
15 **eligibility for coverage under the parent's, guardian's or sibling's insurance; and**

16 (c)(A) **The eligible employee claims the adult child or adult sibling as a dependent of the**  
17 **eligible employee for tax purposes;**

18 (B) **The adult child or adult sibling files a tax return properly showing adjusted gross**  
19 **income that does not exceed 150 percent of the federal poverty level; or**

20 (C) **The eligible employee is the legal guardian of the employee's adult child.**

21 (2) **As used in this section:**

22 (a) **"Disabled" means to have a developmental disability, mental illness or a physical**  
23 **disability that began prior to the age of 26 and that prevents an individual from engaging in**  
24 **self-sustaining employment.**

25 (b) **"Self-sustaining employment" means employment with annual earnings that exceed**  
26 **150 percent of the federal poverty level.**

27 **SECTION 3. Section 4 of this 2021 Act is added to and made a part of ORS 243.860 to**  
28 **243.886.**

29 **SECTION 4. (1) If the Oregon Educators Benefit Board provides options under which an**  
30 **eligible employee may arrange coverage for family members under ORS 243.866, the board**  
31 **shall allow coverage of a disabled adult child or disabled adult sibling of the eligible employee**

**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 **if:**

2 (a) **The eligible employee provides a statement from a physician certifying that the adult**  
 3 **disabled child or adult disabled sibling has an ongoing disability that prevents the adult child**  
 4 **or adult sibling from engaging in self-sustaining employment;**

5 (b) **The adult child or adult sibling was covered by a parent’s, guardian’s or sibling’s in-**  
 6 **surance immediately before the time the adult child or adult sibling exceeded the age for**  
 7 **eligibility for coverage under the parent’s, guardian’s or sibling’s insurance; and**

8 (c)(A) **The eligible employee claims the adult child or adult sibling as a dependent of the**  
 9 **eligible employee for tax purposes;**

10 (B) **The adult child or adult sibling files a tax return properly showing adjusted gross**  
 11 **income that does not exceed 150 percent of the federal poverty level; or**

12 (C) **The eligible employee is the legal guardian of the employee’s adult child.**

13 (2) **As used in this section:**

14 (a) **“Disabled” means to have a developmental disability, mental illness or a physical**  
 15 **disability that began prior to the age of 26 and that prevents an individual from engaging in**  
 16 **self-sustaining employment.**

17 (b) **“Self-sustaining employment” means employment with annual earnings that exceed**  
 18 **150 percent of the federal poverty level.**

19 **SECTION 5.** ORS 743A.090 is amended to read:

20 743A.090. (1)(a) All individual and group health benefit plans, as defined in ORS 743B.005, that  
 21 include coverage for a family member of the insured shall also provide that the health insurance  
 22 benefits applicable for children in the family shall be payable with respect to:

23 [(a)] (A) A child of the insured from the moment of birth; and

24 [(b)] (B) An adopted child effective upon placement for adoption.

25 (b) **All individual and group health benefit plans, as defined in ORS 743B.005, that include**  
 26 **coverage for a family member of the insured shall also provide that the health insurance**  
 27 **benefits applicable for children in the family shall be payable with respect to a disabled child**  
 28 **or disabled sibling of the insured who is 26 years of age or older, if:**

29 (A) **The insured provides a statement from a physician certifying that the adult disabled**  
 30 **child or adult disabled sibling has an ongoing disability that prevents the adult child or adult**  
 31 **sibling from engaging in self-sustaining employment;**

32 (B) **The adult child or adult sibling was covered by a parent’s, guardian’s or sibling’s in-**  
 33 **surance for at least two years immediately before the time the adult child or adult sibling**  
 34 **exceeded the age for eligibility for coverage under the parent’s, guardian’s or sibling’s in-**  
 35 **surance; and**

36 (C)(i) **The insured claims the adult child or adult sibling as a dependent of the insured for**  
 37 **tax purposes;**

38 (ii) **The adult child or adult sibling files a tax return properly showing adjusted gross in-**  
 39 **come that does not exceed 150 percent of the federal poverty level; or**

40 (iii) **The insured is the legal guardian of the insured’s adult child.**

41 (2) **The coverage of natural and adopted children and adult disabled siblings required by sub-**  
 42 **section (1) of this section shall consist of coverage of preventive health services and treatment of**  
 43 **injury or sickness, including the necessary care and treatment of medically diagnosed congenital**  
 44 **defects and birth abnormalities.**

45 (3) **If payment of an additional premium is required to provide coverage for a child, the policy**

1 may require that notification of the birth of the child or of the placement for adoption of the child  
2 and payment of the premium be furnished to the insurer within 31 days after the date of birth or  
3 date of placement in order to effectuate the coverage required by this section and to have the cov-  
4 erage extended beyond the 31-day period.

5 (4) In any case in which a policy provides coverage for dependent children of participants or  
6 beneficiaries, the policy shall provide benefits to dependent children placed with participants or  
7 beneficiaries for adoption under the same terms and conditions as apply to the natural, dependent  
8 children of the participants and beneficiaries, regardless of whether the adoption has become final.

9 (5) As used in this section:

10 (a) "Child" means an individual who is:

11 (A) Under 26 years of age; or

12 (B) **Disabled and 26 years of age or older, for purposes of coverage under subsection (1)(b)**  
13 **of this section.**

14 (b) **"Disabled" means to have a developmental disability, mental illness or a physical**  
15 **disability that began prior to the age of 26 and that prevents an individual from engaging in**  
16 **self-sustaining employment.**

17 [(b)] (c) "Placement for adoption" means the assumption and retention by a person of a legal  
18 obligation for total or partial support of a child in anticipation of the adoption of the child. The  
19 child's placement with a person terminates upon the termination of such legal obligations.

20 (d) **"Self-sustaining employment" means employment with annual earnings that exceed**  
21 **150 percent of the federal poverty level.**

22 (6) The provisions of ORS 743A.001 do not apply to this section.

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