

Secretary of State
Certificate and Order for Filing
PERMANENT ADMINISTRATIVE RULES

I certify that the attached copies* are true, full and correct copies of the PERMANENT Rule(s) adopted on December 14, 2011 by the

Oregon Department of Consumer and Business Services	Insurance Division	836
Agency and Division		Administrative Rules Chapter Number
Sue Munson	350 Winter St. NE, Salem, OR 97301-3883	503-947-7272
Rules Coordinator	Address	Telephone

To become effective upon adoption. Rulemaking Notice was published in the November 2011 Oregon Bulletin.**

RULE CAPTION

Implementation of Legislation Enacting State and Federal Health Insurance Reforms

Not more than 15 words that reasonably identifies the subject matter of the agency's intended action.

RULEMAKING ACTION

ADOPT: OAR 836-053-0415, 836-053-0825, 836-053-0830, 836-053-0857, 836-053-0862, 836-053-1033 and 836-053-1035

AMEND: OAR 836-053-0410, 836-053-0851, 836-053-1000, 836-053-1030, 836-053-1060, 836-053-1070, 836-053-1080, 836-053-1100, 836-053-1110, 836-053-1140, 836-053-1310, 836-053-1340, 836-053-1342 and 836-053-1350

REPEAL: OAR 836-053-0856, 836-053-0861 and 836-053-0866

NUMBER:

AMEND & RENUMBER:

Stat. Auth.: ORS 731.244, 743.018, 743.019, 743.020, 743.601, 743.610, 743.737, 743.754, 743.758, 743.769, 743.804, 743.814, 743.819, 743.857, 743.858 and 743.862

Other Auth.: Sections 4 and 4a, chapter 500, Oregon Laws 2011 (Enrolled Senate Bill 89); Section 2, chapter 73, Oregon Laws 2009

Stats. Implemented: ORS 742.003, 742.005, 742.007, 743.018, 743.019, 743.020, 743.601, 743.610, 743.730, 743.731, 743.737, 743.754, 743.760, 743.766 to 743.769, 743.699, 743.801, 743.804, 743.806, 743.807, 743.814, 743.817, 743.819, 743.821, 743.829, 743.837, 743.857, 743.858, 743.862 & 743A.012; and Sections 4 and 4a of Chapter 500, Oregon Laws 2011 (Enrolled Senate Bill 89) and Section 2, chapter 73, Oregon Laws 2009

RULE SUMMARY

These rules implement provisions of Chapter 500, Oregon Laws 2011 (Enrolled Senate Bill 89). The rules ensure that the Oregon Insurance Code is consistent with the federal Affordable Care Act, the federal health care reform law signed by President Obama on March 23, 2010. The rules also make changes to Oregon administrative rules to ensure consistency with other state and federal legislation. The changes are generally in these areas:

- Revisions to Oregon's rescission provisions including requirements for the contents of the notice required to be provided to enrollees whose coverage is rescinded, and requirements and timelines for notice of rescissions that insurers must provide to the director of the Department of Consumer and Business Services Division.
- Clarifying when notice requirements are triggered when an insurer takes administrative action to cancel coverage under an individual health benefit plan.

- Implementing the changes made to the state continuation laws including clarifying the requirements of the notice that insurers must send to covered persons and qualified beneficiaries eligible for state continuation coverage; defining or clarifying statutory terms and explaining circumstances under which a person is not considered to be a qualified beneficiary.
- Defining requirements for cultural and linguistic appropriateness in accordance with federal law.
- Implementing changes to Oregon’s internal and external review processes for adverse benefit determinations in a manner that is consistent with and approved by federal regulators.
- A number of changes to clarify and make the rules consistent with the statutory changes enacted by Senate Bill 89.

(Signed)	Louis Savage, Acting Insurance Administrator	December 15, 2011
_____ Authorized Signer	_____ Printed Name	_____ Date

*With this original, file one photocopy of certificate, one paper copy of rules listed in Rulemaking Actions, and electronic copy of rules.

**The Oregon Bulletin is published the 1st of each month and updates rules found in the OAR Compilation. For publication in Bulletin, rule and notice filings must be submitted by 5:00 pm on the 15th day of the preceding month unless this deadline falls on a weekend or legal holiday, when filings are accepted until 5:00 pm on the preceding workday. ARC 930-2005