

Secretary of State
NOTICE OF PROPOSED RULEMAKING HEARING*
A Statement of Need and Fiscal Impact accompanies this form

FILED
4-14-17 4:11 PM
ARCHIVES DIVISION
SECRETARY OF STATE

Oregon Health Authority, Oregon Educators Benefit Board

111

Agency and Division

Administrative Rules Chapter Number

April Kelly

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Rules Coordinator

Telephone

Oregon Health Authority, Oregon Educators Benefit Board, 500 Summer Street NE, E-88, Salem, OR 97301

Address

RULE CAPTION

Cleaning up language in rule

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

Hearing Date	Time	Location	Hearings Officer
5-23-17	10:30 a.m.	500 Summer St. NE, Rm 137B, Salem, OR 97301	OEBB Staff

RULEMAKING ACTION

Secure approval of rule numbers with the Administrative Rules Unit prior to filing.

ADOPT:

AMEND:

111-065-0001, 111-065-0005, 111-065-0010, 111-065-0015, 111-065-0020, 111-065-0025, 111-065-0035, 111-065-0040

REPEAL:

RENUMBER: Secure approval of new rule numbers with the Administrative Rules Unit prior to filing.

AMEND AND RENUMBER: Secure approval of new rule numbers with the Administrative Rules Unit prior to filing.

Statutory Authority:

ORS 243.860 to 243.886

Other Authority:

Statutes Implemented:

ORS 243.864(1)(a)

RULE SUMMARY

Cleaning up language used in Division 65 so that the language is consistent throughout all OEBB administrative rules.

The Agency requests public comment on whether other options should be considered for achieving the rule's substantive goals while reducing negative economic impact of the rule on business.

05-31-2017 5:00 p.m.	April Kelly	april.kelly@oregon.gov
Last Day (m/d/yyyy) and Time for public comment	Rules Coordinator Name	Email Address

*The Oregon Bulletin is published on the 1st of each month and updates the rule text found in the Oregon Administrative Rules Compilation.

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Cleaning up language in rule

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

In the Matter of:

111-065-0001, 111-065-0005, 111-065-0010, 111-065-0015, 111-065-0020, 111-065-0025, 111-065-0035, 111-065-0040

Statutory Authority:

ORS 243.860 to 243.886

Other Authority:

Statutes Implemented:

ORS 243.864(1)(a)

Need for the Rule(s):

After an annual review, it was determined that there were some small changes needed to this rule. We are cleaning up language used in Division 65 so that the language is consistent throughout all OEBB administrative rules. There are no significant program changes.

Documents Relied Upon, and where they are available:

ORS 243.860 to 243.886, 2007 Oregon laws available online or by request of the OEBB staff.

OEBB Board Public Meeting minutes from March 7, 2017 are available online at

<http://www.oregon.gov/oha/OEBB/Pages/OEBB-Board-Meetings.aspx>

Fiscal and Economic Impact:

These proposed administrative rules are not predicted to have a fiscal or economic impact.

Statement of Cost of Compliance:

1. Impact on state agencies, units of local government and the public (ORS 183.335(2)(b)(E)):

No fiscal impact was identified.

2. Cost of compliance effect on small business (ORS 183.336):

a. Estimate the number of small business and types of businesses and industries with small businesses subject to the rule:

Not applicable. There are no OEBB entities that can be considered a small business in Oregon.

b. Projected reporting, recordkeeping and other administrative activities required for compliance, including costs of professional services:

Not applicable. There are no OEBB entities that can be considered a small business in Oregon.

c. Equipment, supplies, labor and increased administration required for compliance:

Not applicable. There are no OEBB entities that can be considered a small business in Oregon.

How were small businesses involved in the development of this rule?

Since small businesses are not impacted by the proposed rule changes, none were invited to participate in the development of this proposed rule.

Administrative Rule Advisory Committee consulted?: Yes

If not, why?:

05-31-2017 5:00 p.m.

April Kelly

april.kelly@oregon.gov

Last Day (m/d/yyyy) and Time
for public comment

Printed Name

Email Address

DIVISION 65

OEBB ADMINISTRATION OF EARLY RETIREE GROUPS

111-065-0001

Definitions

For the purpose of this rule:

- (1) "Direct Debit" for purposes of this OAR refers to a payment through an Automated Clearing House (ACH) credit or ACH debit that initiates the movement of funds electronically from the early retiree's individual banking account within the United States to the OEBB Treasury account.
- (2) "OEBB Administered Early Retiree" means an individual who meets the definition of Eligible Early Retiree in OAR 111-010-0015 and whose benefits are administered by OEBB.
- (3) "Overpayment" means the amount of the ~~e~~Early ~~r~~Retiree's monthly payment to OEBB that exceeded the amount due.
- (4) "Payment in full" means payment received by OEBB which is equal to the current monthly amount due for all benefit premiums which the early retiree is currently enrolled in.
- (5) "Underpayment" means a payment submitted on or before the due date by the ~~e~~Early ~~r~~Retiree that is less than the invoiced amount.

111-065-0005

Untitled

The following administrative rules in Division 65 ~~pertain~~ apply to OEBB Administered Early Retirees in addition to OEBB's Division 50 rules which ~~pertain~~ apply to all Early Retirees.

111-065-0010

OEBB Early Retiree Invoicing

- (1) OEBB will enroll the Early Retiree after OEBB has received the enrollment form and one of the following is completed:
 - (a) The required ACH Authorization for a recurring Direct Debit Payment is received from the ~~e~~Early ~~r~~Retiree to initiate the setup of automated payments via ACH; or
 - (b) An Exception Request Form is received from the ~~e~~Early ~~r~~Retiree and reviewed and approved by OEBB.
- (2) OEBB will send payment invoices to ~~e~~Early ~~r~~Retirees that will provide notification of the amount and payment due date or the date the automatic checking deduction will occur. OEBB will send invoices on or around the 15th of the month with payment due on the 2nd business day of the following month.
- (3) Advance payments may be made only within the same Plan Year. However, any remaining balances will be carried into the next Plan Year.

111-065-0015

Early Retiree Payment Methods and Due Dates

- (1) Premium payments will be made through Direct ~~Payment Debit~~ via ACH (**ACH Debit**) on the 2nd business day of the month unless otherwise prior authorized by designated OEGB staff.
- (2) As necessary, or upon written request of a participating Early Retiree, OEGB staff will review and determine if an alternative withdrawal date is warranted to avoid future payments being returned for Non-sufficient Funds (NSF) on a recurring basis.
- (3) OEGB will accept payment from early retirees by methods other than **ACH** ~~Direct Debit~~ when specific exceptions apply:
 - (a) The individual does not have an account with a financial institution within the United States;
 - (b) The individual's special circumstances, which OEGB will review on a case by case basis.
- (4) A **An Exception Request Form** ~~request for exception~~ must be **complete** ~~made in writing and include~~ **including** the reason why or special circumstance that would not allow the member to submit payment via **ACH** ~~Direct Debit~~.
- (5) OEGB will review the request for exception, determine whether to allow or deny the exception, and notify the requesting party of its decision within 21 days of receipt of the request.
- (6) Notwithstanding OAR 111-065-0010, all premium payments must be received on or before the 2nd business day of the month for the current month's health care coverage. All payments will be subject to this due date.
- (7) If the Early Retiree has a checking account, but submits ~~a~~ **an Exception Request Form** ~~written letter~~ declining to use the Direct Debit payment method, a \$35.00 processing fee shall be applied to the Early Retiree's monthly premium.

111-065-0020

Early Retiree Overpayments

- (1) OEGB will include overpayment amounts on the monthly invoice. The invoice will include the total payment received, the date it was received, the amount of premium payment due, and any remaining balance of additional premiums paid.
- (2) OEGB will automatically apply any overpayments to the next month's premium due. The ~~e~~Early ~~r~~Retiree may complete a Request for Reimbursement form if a refund of an overpayment is desired. The ~~e~~Early ~~r~~Retiree may be responsible for processing fees associated with refunds less than \$100. Reimbursements will be refunded via check.
- (3) Remaining balances on coverage that has ended will be refunded in full within 30 days of the coverage end date or the date OEGB is notified that coverage should end, whichever occurs later.

111-065-0025

Early Retiree Underpayments

(1) Premiums must be paid in full on or before the 2nd business day of the month, unless otherwise pre-approved by OEGB under OAR 111-065-0015(2).

(2)(a) Early ~~Retirees~~ will be notified if their coverage was terminated due to the premium not being paid in full on the specified due date, including payments returned by the bank for Non-Sufficient Funds (NSF), closed bank accounts, and frozen accounts.

(b) A check or ACH transaction that is returned for NSF, closed bank account, or frozen account is considered non-payment of premiums.

111-065-0035

Appeals

Early ~~Retirees~~ have the right to use the OEGB Appeals and Administrative Review process as defined in OAR 111-080-0030.

(1) Early ~~Retirees~~ may appeal OEGB's eligibility decision.

(2) Early ~~Retirees~~ have the right to request a review of benefit and claim issues that are not resolved following the completion of the carrier appeal process. Administrative Review requests relating to denied benefits are limited to a determination of whether or not a benefit was intended to be covered under the current contract.

111-065-0040

Continuation of Coverage

(1) Early Retirees and dependents have COBRA rights consistent with 111-050-0001.

(2) Loss of coverage due to failure to make a premium payment is not a ~~qualifying event~~ **Qualified Status Change**.