

OFFICE OF THE SECRETARY OF STATE

BEV CLARNO
SECRETARY OF STATE

JEFF MORGAN
INTERIM DEPUTY SECRETARY OF STATE



ARCHIVES DIVISION

STEPHANIE CLARK
DIRECTOR

800 SUMMER STREET NE
SALEM, OR 97310
503-373-0701

TEMPORARY ADMINISTRATIVE ORDER
INCLUDING STATEMENT OF NEED & JUSTIFICATION

OEBB 2-2020

CHAPTER 111
OREGON HEALTH AUTHORITY
OREGON EDUCATORS BENEFIT BOARD

FILED

04/14/2020 11:53 AM
ARCHIVES DIVISION
SECRETARY OF STATE
& LEGISLATIVE COUNSEL

FILING CAPTION: Protecting OEBB member benefits during COVID-19 crisis

EFFECTIVE DATE: 04/14/2020 THROUGH 10/10/2020

AGENCY APPROVED DATE: 04/14/2020

CONTACT: April Kelly
503-378-6588
April.R.Kelly@state.or.us

500 Summer Street NE, E-88
Salem, OR 97301

Filed By:
April Kelly
Rules Coordinator

NEED FOR THE RULE(S):

The Oregon Health Authority, Oregon Educators Benefit Board (OEBB) is temporarily adopting OAR 111-015-0005 to implement the Governor's Executive Order 20-03. The Executive Order is the result of a declaration of an emergency due to the public health threat posed by the novel infectious coronavirus (COVID-19). Executive Order 20-03, in part, addresses filing temporary rules to provide services and support during the Emergency Declaration. This temporary rule is also consistent with the emergency order issued by the Oregon Department of Consumer and Business Services in March 2020. This temporary rule provides protection to OEBB members in the event they do not meet current eligibility (due to their furlough or layoff directly related to COVID-19) for benefit coverage and who are not in a current stability period under the Affordable Care Act or on approved FMLA any other protected leave.

JUSTIFICATION OF TEMPORARY FILING:

OEBB finds that failure to act promptly will result in serious prejudice to OEBB members who are in jeopardy of losing their health benefits during this state of emergency, as early as April 30. Losing health benefit coverage during this time would be detrimental to employees of school districts, Educational Service Districts, Community Colleges and Local Governments. This temporary rule is supported by DOJ, the OEBB Board and OEBB stakeholders.

DOCUMENTS RELIED UPON, AND WHERE THEY ARE AVAILABLE:

Office of the Governor, State of Oregon. Executive Order No. 20-03. Available online at:

https://www.oregon.gov/gov/admin/Pages/eo_20-03.aspx

The Oregon Department of Consumer and Business Services Emergency Order:

<https://dfr.oregon.gov/insure/health/understand/Documents/20200325Order.pdf>

ORS 243.860 to 243.886, available online or at the request of OEBB staff.

OEBB Board Meeting recording and minutes available online at: <https://www.oregon.gov/oha/OEBB/Pages/OEBB-Board-Meetings.aspx>

ADOPT: 111-015-0005

RULE SUMMARY: This temporary rule provides protection to OEGB members in the event they no longer meet benefit eligibility due to their furlough or layoff directly related to COVID-19.

CHANGES TO RULE:

111-015-0005

All Other Benefit-Eligible Employees Not Included in Emergency Family Medical Leave Expansion Act during the COVID-19 pandemic

(1) Benefit eligible full-time and part-time employees who do not meet current benefit eligibility due to their furlough or layoff directly related to COVID-19 and who are not in a current stability period under the Affordable Care Act or on approved FMLA or other protected leave, remain eligible for active OEGB benefits.[¶]

(2) An employee may choose to self-pay or cancel their optional coverages through their employing entity. Failure to self-pay for these optional coverages may result in the cancellation of these coverages. These optional coverages may be reinstated when the employee returns to work. The employee may have a lapse in these coverages and may not use these benefits during their period of premium non-payment. If an employee cancels their Long-Term Care coverage, the employee must re-apply at their current age upon returning to work.

Statutory/Other Authority: ORS 243.860 - 243.886

Statutes/Other Implemented: ORS 243.864(1)(a)