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NOTICE OF PROPOSED RULEMAKING
INCLUDING STATEMENT OF NEED & FISCAL IMPACT

CHAPTER 111
OREGON HEALTH AUTHORITY
OREGON EDUCATORS BENEFIT BOARD

FILED

10/18/2023 4:16 PM
ARCHIVES DIVISION
SECRETARY OF STATE

FILING CAPTION: Amending this rule to add expanded coverage and other clarifying language.

LAST DAY AND TIME TO OFFER COMMENT TO AGENCY: 11/30/2023 5:00 PM

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.

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Filed By:
April Kelly
Rules Coordinator

HEARING(S)

Auxiliary aids for persons with disabilities are available upon advance request. Notify the contact listed above.

DATE: 11/20/2023

TIME: 10:00 AM - 10:30 AM

OFFICER: OEBC Staff

REMOTE MEETING DETAILS

MEETING URL: [Click here to join the meeting](#)

PHONE NUMBER: 1-971-277-2343

CONFERENCE ID: 451022449

SPECIAL INSTRUCTIONS:

Microsoft Teams Meeting ID: 290 309 239 079

Passcode: AdgZdu

Questions? Email: April.R.Kelly@oha.oregon.gov

NEED FOR THE RULE(S)

This rule amendment accomplishes a few things. First, it implements HB 2611(2023) by making dental and vision coverage available to these members. The amendments also provide clarification around situations when members gain or lose eligibility and how they can enroll or terminate coverage. Lastly, the amendments clean up language and make terms consistent throughout the rule.

DOCUMENTS RELIED UPON, AND WHERE THEY ARE AVAILABLE

HB 2611(2023), ORS 350.355 available online at <https://www.oregonlegislature.gov/>

Meeting recording from the OEBC Board meeting from Tuesday, October 3, 2023. The proposed rule amendments were reviewed and approved by the OEBC Board, giving staff the authority to proceed with the permanent rulemaking process. This can be found online at: <https://www.oregon.gov/oha/OEBC/Pages/OEBC-Board-Meetings-Archive.aspx>

STATEMENT IDENTIFYING HOW ADOPTION OF RULE(S) WILL AFFECT RACIAL EQUITY IN THIS STATE

The Oregon Health Authority (OHA) has committed to ending health inequities in Oregon with equity-centered health policy reform strategies for the state, and to anti-racist and equity-centered policies and ideals as an organization. The adoption of these rule amendments, particularly the addition of dental and vision health benefit plans for employees who do not meet the criteria to receive benefits from OEBC, was carefully reviewed. Typically, those who work less than full time are members of lower income groups. Persons of color membership in lower income groups are disproportionate to their membership in the general population of Oregon. As this rule amendment eliminates health barriers to receiving dental and vision care for lower income workers, this rule amendment promotes equity in our state.

FISCAL AND ECONOMIC IMPACT:

Administrative Burden: There is an anticipated fiscal impact to Oregon public institutions of higher education (Universities and Community Colleges) due to additional administrative burden of the SB 551 program itself.

SB 551 eligible members: As far as the addition of dental and vision coverage, there is an anticipated fiscal impact to the SB 551 member who elects this coverage. Though their responsibility is ten percent, members who elect dental and vision coverage may not have enough earnings sufficient to take coverage on a pre-tax basis and may end up owing money to their employer to cover their portion of premiums and taxes.

Program funds: Should the Higher Education Coordinating Commission (HECC), not have sufficient funds in the future for the SB 551 program, the Universities and Community Colleges would need to pick up the ninety percent that HECC reimburses, which is an anticipated fiscal impact for the program itself, and not necessarily these proposed administrative rule amendments.

COST OF COMPLIANCE:

(1) Identify any state agencies, units of local government, and members of the public likely to be economically affected by the rule(s). (2) Effect on Small Businesses: (a) Estimate the number and type of small businesses subject to the rule(s); (b) Describe the expected reporting, recordkeeping and administrative activities and cost required to comply with the rule(s); (c) Estimate the cost of professional services, equipment supplies, labor and increased administration required to comply with the rule(s).

(1) Oregon public institutions of higher education (Universities and Community Colleges) are likely to be economically impacted by the additional administration of this program.

(2) No anticipated effect on small businesses. This rule applies to Oregon public institutions of higher education (Universities and Community Colleges) which are not considered to be small businesses.

(2)(a) None identified.

(2)(b) No expected reporting, recordkeeping and administrative activities and cost to comply with the rule amendments.

(2)(c) No estimated cost identified.

DESCRIBE HOW SMALL BUSINESSES WERE INVOLVED IN THE DEVELOPMENT OF THESE RULE(S):

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

WAS AN ADMINISTRATIVE RULE ADVISORY COMMITTEE CONSULTED? YES

AMEND: 111-070-0075

RULE SUMMARY: OAR 111-070-0075 contains information and details about the administration of the SB 551 program by OEBC.

CHANGES TO RULE:

111-070-0075

Administration of SB 551 Program

(1) ~~"SB 551 eligible member"~~ For purposes of this rule:

(a) "SB 551 eligible member" is a part-time faculty member who is deemed eligible to receive coverage through OEGB by an Oregon public institution of higher education based on the requirements of SB 551(2021). "SB 551 eligible member" does not mean or include a part-time faculty member who is currently eligible for employer-paid benefits through the Public Employees Benefit Board (PEBB) or the Oregon Educators Benefit Board (OEGB).

(b) "SB 551 program" is the benefits program established by SB 551 (2021) and codified in ORS 350.355.

(c) "OEGB coverage" means coverage that is available to part time faculty members who are eligible for employer-paid benefits.

(2) ~~SB 551 eligible members may only enroll in employee-only medical/pharmacy coverage. SB 551 members may waive medical/pharmacy coverage but may not opt out of coverage and receive a monetary incentive, dental, and vision coverage, or a combination thereof, subject to carrier specific requirements.~~

(3) ~~SB 551 members shall not receive any monetary incentives for opting out, declining, or waiving any combination of or all available coverage.~~

(4)(a) ~~Individuals currently eligible for and enrolled in OEGB or PEBB coverage as a subscriber or dependent are not eligible to enroll in the SB 551 program, and individuals eligible for and enrolled in the SB 551 program are not eligible to enroll in OEGB coverage.~~

(3b) ~~Persons currently enrolled in the SB 551 program, who gain eligibility for OEGB or PEBB coverage as a subscriber or dependent during the plan year, may terminate coverage under the SB 551 program and enroll in OEGB coverage, with no break between coverages. Individuals enrolled in OEGB coverage, who gain eligibility for coverage under the SB 551 program during the plan year, may terminate OEGB coverage and enroll in coverage under the SB 551 program, with no break between coverages.~~ OEGB reserves the right to audit and retroactively terminate OEGB SB 551 coverage.

(45) ~~If the SB 551 eligible member misses their enrollment period to enroll in coverage, they will have the ability to appeal to OEGB for enrollment.~~

(56) ~~Coverage elected under this section is effective the entire plan year unless the SB 551 eligible member is terminated by OEGB or an Oregon public institution of public higher education for failure to meet SB 551 eligibility or participation requirements or enrolls in OEGB coverage under section (4) of this rule.~~

(67) ~~OEGB will not credit deductibles, or out of pocket maximums for SB 551 members who transfer between an OEGB medical plan and PEBB medical plan.~~

(78) ~~It shall be the sole responsibility of the Oregon public institution of higher education to determine eligibility for coverage pursuant to ORS 350.355.~~

(89) ~~It shall be the sole responsibility of the part-time faculty member to submit all information necessary for the home institution to make an eligibility determination for SB 551 coverage pursuant to ORS 350.355.~~

(910) ~~The SB 551 eligible member is eligible to continue coverage through COBRA should their coverage end, and they meet the criteria for COBRA continuation coverage as per OAR 111-050-0001.~~

Statutory/Other Authority: ORS 243.860 to ORS 243.886

Statutes/Other Implemented: ORS 243.864(1)(a), ~~Chapter 583, 2021 Laws~~ ORS 350.355