

Secretary of State
Certificate and Order for Filing
TEMPORARY ADMINISTRATIVE RULES
A Statement of Need and Justification accompanies this form..

I certify that the attached copies* are true, full and correct copies of the TEMPORARY Rule(s) adopted on September 29, 2009 by the

Oregon Department of Consumer and Business Services, Insurance Division	Date prior to or same as filing date 836	
Agency and Division	Administrative Rules Chapter Number	
Sue Munson	350 Winter Street NE, Salem, Oregon 97301-3883	503-947-7272
Rules Coordinator	Address	Telephone

to become effective October 1, 2009 through March 26, 2010.

Date upon filing or later

A maximum of 180 days including the effective date.

RULE CAPTION

Implementation of One Percent Health Insurance Premium Assessment.

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

RULEMAKING ACTION

ADOPT: OAR 836-009-0020(T), 836-009-0025(T), 836-009-0030(T), 836-009-0035(T) and 836-009-0040(T)

AMEND:

SUSPEND:

Stat. Auth.: ORS 731.244

Other Auth.:

Stats. Implemented: Sections 4 to 8, Chapter 867, Oregon Laws 2009 (Enrolled House Bill 2116)

RULE SUMMARY

House Bill 2116 was enacted by the Legislative Assembly in June 2009 and takes effect September 28, 2009. The bill establishes a one percent assessment on health insurers based on the gross amount of premiums earned by the insurer during each calendar quarter. The bill includes an option for the insurers to include the amount of the assessment in their premium rates. For existing approved rates, insurers may include an additional one percent beginning October 1, 2009, without submitting their premium rate to the Insurance Division for review and approval. If an insurer opts to include the additional one percent, the insurer must include a notice with all consumer billings explaining the increase. The notice must comply with the form of notice prescribed by the Division.

These rules are necessary to fully implement the provisions of chapter 867, Oregon Laws 2009, including clarification of certain terms, information about reporting requirements relating to the assessment and requirements for an insurer that chooses to add the one percent assessment to an existing approved rate.

Because the bill takes effect September 28, 2009 and the assessment applies to the calendar quarter beginning October 1, 2009, it is necessary for the Division to adopt these temporary rules to provide guidance before the insurers must begin implementing the assessment. The Division anticipates adopting permanent rules to replace these temporary rules.

(Signed)
Authorized Signer

Teresa Miller, Insurance Administrator
Printed Name

September 30, 2009
Date

*With this original and Statement of Need, file one photocopy of certificate, one paper copy of rules listed in Rulemaking Actions, and electronic copy of rules. ARC 940-2005