

409-025-0100

Definitions

The following definitions apply to OAR 409-025-0100 to 409-025-0170:

- (1) “Accident policy” means an insurance policy that provides benefits only for a loss due to accidental bodily injury.
- (2) “Allowed amount” means the actual amount of charges for healthcare services, equipment, or supplies that are covered expenses under the terms of an insurance policy or health benefits plan.
- (3) “Annual supplemental provider level APM summary file” means a data set composed of total and primary care-related dollars disbursed, by payment arrangement and line of business, ~~to billing providers and organizations with a place of business in Oregon.~~
- (4) “APAC” means all payer all claims.
- (5) “APM” means alternative payment method.
- (6) “Association” means any organization, including a labor union, that has an active existence for at least one year, that has a constitution and bylaws and that has been organized and is maintained in good faith primarily for purposes other than that of obtaining insurance.
- (7) “Attending provider” means the individual health care provider who delivered the health care services, equipment, or supplies specified on a health care claim.
- (8) “Authority” means the Oregon Health Authority.
- (9) “Billing provider” means the individual or entity that submits claims for health care services, equipment, or supplies delivered by an attending provider.
- (10) “Capitated services” means services rendered by a provider through a contract in which payments are based upon a fixed dollar amount for each enrolled member on a monthly basis.
- (11) “Carrier” shall have the meaning given that term in ORS 743.730.
- (12) “Certificate of authority” shall have the meaning given that term in ORS 731.072.
- (13) “Charges” means the actual dollar amount charged on the claim.
- (14) “Claim” means an encounter or request for payment under the terms of an insurance policy, health benefits plan, Medicare, or Medicaid.
- (15) "Co-insurance" means the percentage an enrolled member pays toward the cost of a covered service.

(16) “Coordinated Care Organization (CCO)” shall have the meaning given that term in ORS 414.025.

(17) "Co-payment" means the fixed dollar amount an enrolled member pays to a health care provider at the time a covered service is provided or the full cost of a service when that is less than the fixed dollar amount.

(18) “Data file” means electronic health information including medical claims files, eligibility files, medical provider files, pharmacy claims files, control totals files, subscriber-billed premiums files, APM files and any other related information specified in these rules.

(19) “Data set” means a collection of individual data records, whether in electronic or manual files.

(20) “DCBS” means the Oregon Department of Consumer and Business Services.

(21) “Deductible” means the total dollar amount an enrolled member pays toward the cost of covered services over an established period of time before the carrier or third-party administrator makes any payments under an insurance policy or health benefit plan.

(22) “De-identified health information” means health information that does not identify an individual and with respect to which there is no reasonable basis to believe that the information can be used to identify an individual.

(23) “Direct personal identifier” means information relating to an individual patient or enrolled member that contains primary or obvious identifiers, including:

(a) Names;

(b) Business names when that name would serve to identify a person;

(c) Postal address information other than town or city, state, and 5-digit zip code;

(d) Specific latitude and longitude or other geographic information that would be used to derive postal address;

(e) Telephone and fax numbers;

(f) Electronic mail addresses;

(g) Social security numbers;

(h) Vehicle identifiers and serial numbers, including license plate numbers;

(i) Medical record numbers;

- (j) Health plan beneficiary numbers;
- (k) Certificate and license numbers;
- (l) Internet protocol (IP) addresses and uniform resource locators (URL) that identify a business that would serve to identify a person;
- (m) Biometric identifiers, including finger and voice prints; and
- (n) Personal photographic images.

(24) “Disability policy” means an insurance policy that provides benefits for losses due to a covered illness or disability.

(25) “Disclosure” means the release, transfer, provision of access to, or divulging in any other manner of information outside the entity holding the information.

(26) “DRC” means Data Review Committee.

(27) “Dual eligible special needs plan” means a special needs plan that enrolls beneficiaries entitled to both Medicare and Medicaid.

(28) “Eligibility file” means a data set containing demographic information for each individual enrolled member eligible for medical benefits for one or more days of coverage at any time during a calendar month for an Oregon resident as defined in ORS 803.355, a non-Oregon resident who is a member of a PEBB or OEGB group health insurance plan, or services provided in Oregon.

(29) “Eligible employee” shall have the meaning given that term in ORS 743.730.

(30) “Employee” shall have the meaning given that term in ORS 654.005.

(31) “Employer” shall have the meaning given that term in ORS 654.005.

(32) “Encrypted identifier” means a code or other means of identification to allow individual patients or enrolled members to be tracked across data sets without revealing their identity.

(33) "Encryption" means a method by which the true value of data has been disguised in order to prevent the identification of individual patients or enrolled members and does not provide the means for recovering the true value of the data.

(34) “Enrolled member” means enrollee as defined in ORS 743.730.

(35) “ERISA” means the Employee Retirement Income Security Act of 1974 (ERISA), 29 U.S.C. § 1001

- (36) “Facility” means a health care facility as defined in ORS 442.015.
- (37) “Genetic test” shall have the meaning given that term in ORS 192.531.
- (38) “Group health insurance” shall have the meaning given that term in ORS 731.098.
- (39) “Health benefit plan” shall have the meaning given that term in ORS 743.730.
- (40) “Health care” shall have the meaning given that term in ORS 192.556.
- (41) “Health care operations” means certain administrative, financial, legal, and quality improvement activities that are necessary to run programs including, but not limited to, conducting quality assessment and improvement activities, population-based activities relating to improving health or reducing health care costs, case management and care coordination, evaluating practitioner, provider, or health plan performance, and underwriting, enrollment, premium rating and other activities related to creation, renewal, or replacement of a health insurance contract.
- (42) “Health care provider” shall have the meaning given that term in ORS 192.556.
- (43) “Health information” shall have the meaning given that term in ORS 192.556.
- (44) “Health insurance exchange” shall have the meaning given that term in ORS 741.300.
- (45) “Healthcare Common Procedure Coding System (HCPCS)” means a medical code set, maintained by the United States Department of Health and Human Services, that identifies health care procedures, equipment, and supplies for claim submission purposes.
- (46) “HIPAA” means Title II, Subtitle F of the Health Insurance Portability and Accountability Act of 1996, 42 USC 1320d, et seq. and the federal regulations adopted to implement the Act.
- (47) “Hospital indemnity policy” means an insurance policy that provides benefits only for covered hospital stays.
- (48) “Indirect personal identifier” means information relating to an individual patient or enrolled member that a person with appropriate knowledge of and experience with generally accepted statistical and scientific principles and methods could apply to render such information individually identifiable by using such information alone or in combination with other reasonably available information.
- (49) “Individual”, when used in a list of required lines of business, means individual health benefit plans.
- (50) “Individually identifiable health information” shall have the meaning given that term in ORS 192.556.

(51) “Insurance” shall have the meaning given that term in ORS 731.102.

(52) “Labor union” means any organization which is constituted for the purpose, in whole or in part, of collective bargaining or dealing with employers concerning grievances, terms or conditions of employment or of other mutual aid or protection in connection with employees.

(53) “Large group” means health benefit plans for employers with more than 50 employees.

(54) “Limited data set” means protected health information that excludes direct personal identifiers and is disclosed for research, health care operations, or to a public health authority for public health purposes.

(55) “Long-term care insurance” shall have the meaning given that term in ORS 743.652.

~~(56) “Managed care organization” (MCO) means a prepaid managed care health services organization as defined in ORS 414.736.~~

~~(5756)~~ “Mandatory reporter” means any reporting entity defined as a mandatory reporter in OAR 409-025-0110.

~~(5857)~~ “Medicaid” means medical assistance provided under 42 U.S.C. section 1396a (section 1902 of the Social Security Act), as administered by the Division of Medical Assistance Programs.

~~(5958)~~ “Medicaid fee-for-service”(Medicaid FFS) means that portion of Medicaid where a health care provider is paid a fee for each covered health care service delivered to an eligible Medicaid patient.

~~(6059)~~ “Medical claims file” means a data set composed of health care service level remittance information for all adjudicated claims for each billed service including but not limited to member demographics, provider information, charge and payment information, and clinical diagnosis and procedure codes for an Oregon resident as defined in ORS 803.355, a non-Oregon resident who is a member of a PEBB or OEGB group health insurance plan, or services provided in Oregon.

~~(6460)~~ “Medical provider file” means a data set containing information about health care providers providing health care services, equipment, or supplies to enrolled members during the reporting period.

~~(6261)~~ “Medicare” means coverage under Part A, Part B, Part C, or Part D of Title XVIII of the Social Security Act, 42 U.S.C. 1395 et seq., as amended.

~~(6362)~~ “Medicare Modernization Act” means the Medicare Prescription Drug, Improvement, and Modernization Act of 2003(Public Law 108-173) and the federal regulations adopted to implement the Act.

~~(6463)~~ “OEGB” means the Oregon Educators Benefit Board.

- (~~6564~~) “OMIP” means the Oregon Medical Insurance Pool.
- (~~6665~~) “Patient” means any person in the data set who is the subject of the activities of the claim performed by the health care provider.
- (~~6766~~) “Paid amount” means the actual dollar amount paid for claims.
- (~~6867~~) “PEBB” means the Oregon Public Employees’ Benefit Board.
- (~~6968~~) “Person” shall have the meaning given that term in ORS 731.116.
- (~~7069~~) “Pharmacy benefit manager (PBM)” means a person or entity that performs pharmacy benefit management, including a person or entity in a contractual or employment relationship with a person or entity performing pharmacy benefit management for a health benefits plan.
- (~~7170~~) “Pharmacy claims file” means a data set containing service level remittance information from all adjudicated claims including, but not limited to, enrolled member demographics, provider information, charge and payment information, and national drug codes for an Oregon resident as defined in ORS 803.355, a non-Oregon resident who is a member of a PEBB or OEGB group health insurance plan, or services provided in Oregon.
- (~~7271~~) “Pharmacy eligibility file” means a data set containing demographic information for each individual enrolled member eligible for pharmacy benefits for one or more days of coverage at any time during a calendar month for an Oregon resident as defined in ORS 803.355, a non-Oregon resident who is a member of a PEBB or OEGB group health insurance plan, or services provided in Oregon.
- (~~7372~~) “Policy” shall have the meaning given that term in ORS 731.122.
- (~~7473~~) "Prepaid amount" means the fee for the service equivalent that would have been paid for a specific service if the service had not been capitated.
- (~~7574~~) “Premium” shall have the meaning given that term in ORS 743.730.
- (~~7675~~) “Principal investigator (PI)” means the person in charge of a research project that makes use of limited data sets. The PI is the custodian of the data and shall comply with all state and federal restrictions, limitations, and conditions of use associated with the data release.
- (~~7776~~) “Protected health information” shall have the meaning given that term in ORS 192.519.
- (~~7877~~) “Public health authority” means the Public Health Division of the Authority or local public health authority as defined in ORS 431.260.
- (~~7978~~) “Public health purposes” means the activities of a public health authority for the purpose of preventing or controlling disease, injury, or disability including, but not limited to, the

reporting of disease, injury, vital events such as birth or death, and the conduct of public health surveillance, investigations, and interventions.

| [\(8079\)](#) “Public use data set” means a publicly available data set of de-identified health information containing only the data elements specified by the Authority for inclusion.

| [\(8180\)](#) “Registered entity” means any person required to register with DCBS under ORS 744.714.

| [\(8281\)](#) “Reporting entity” means:

(a) An insurer as defined in ORS 731.106 or fraternal benefit society as defined in ORS 748.106 required to have a certificate of authority to transact health insurance business in Oregon.

(b) A health care service contractor as defined in ORS 750.005 that issues medical insurance in Oregon.

(c) A third-party administrator required to obtain a license under ORS 744.702.

(d) A pharmacy benefit manager or fiscal intermediary, or other person that is by statute, contract, or agreement legally responsible for payment of a claim for a health care item or service.

| ~~[\(e\) A prepaid managed care health services organization as defined in ORS 414.736.](#)~~

| [\(fe\)](#) An insurer providing coverage funded under Part A, Part B, or Part D of Title XVIII of the Social Security Act, subject to approval by the United States Department of Health and Human Services.

| [\(8382\)](#) “Research” means a systematic investigation, including research development, testing and evaluation, designed to develop or contribute to generalized knowledge.

| [\(8483\)](#) “Self-insured plan” means any plan, program, contract, or any other arrangement under which one or more employers, unions, or other organizations provide health care services or benefits to their employees or members in this state, either directly or indirectly through a trust or third-party administrator.

| [\(8584\)](#) “Small employer health insurance” means health benefit plans for employers whose workforce consists of at least two but not more than 50 eligible employees.

| [\(8685\)](#) “Special Needs Plan” means a Medicare health benefit plan created by the Medicare Modernization Act that is specifically designed to provide targeted care to individuals with special needs.

| (8786) “Specific disease policy” means an insurance policy that provides benefits only for a loss due to a covered disease.

| (8887) “Strongly-encrypted” means an encryption method that uses a cryptographic key with a large number of random keyboard characters.

| (8988) “Subscriber” means the individual responsible for payment of premiums or whose employment is the basis for eligibility for membership in a health benefit plan.

| (9089) “Summarized data” means data aggregated by one or more categories. Summarized data created from protected health information may not contain direct or indirect identifiers.

| (9190) “Third-party administrator (TPA)” means any person who directly or indirectly solicits or effects coverage of, underwrites, collects charges or premiums from, or adjusts or settles claims on, residents of Oregon or residents of another state from offices in Oregon, in connection with life insurance or health insurance coverage; or any person or entity who must otherwise be licensed under ORS 744.702.

| (9291) “Transact insurance” shall have the meaning given that term in ORS 731.146.

| (9392) “Trust” means a fund established by two or more employers in the same or related industry or by one or more labor unions or by one or more employers and one or more labor unions or by an association.

| (9493) “Vision policy” means a health benefits plan covering only vision health care.

| (9594) “Voluntary reporter” means any registered or reporting entity, other than a mandatory reporter, that voluntarily elects to comply with the reporting requirements in OAR 409-025-0100 to 409-025-0170.

Stat. Auth.: ORS 442.466

Stats. Implemented: ORS 442.464 & 442.466

Hist.: OHP 1-2010, f. 2-26-10, cert. ef. 3-1-10; OHP 4-2012, f. 5-23-12, cert. ef. 6-1-12; OHP 5-2012(Temp), f. 6-23-12, cert. ef. 6-1-12 thru 11-15-12; OHP 6-2012; f. 6-26-12, cert. ef. 7-9-12; OHP 1-2016, f. & cert. ef. 1-5-16; OHP 10-2016, f. 6-22-16, cert. ef. 1-1-17

409-025-0110

General Reporting Requirements

(1) Definition of “mandatory reporter”

(a) For carriers and licensed third-party administrators, the Authority shall identify mandatory reporters using information collected by DCBS including, but not limited to, data from the Health Insurance Member Enrollment Report.

(A) The Authority shall aggregate the most recent four quarters of data.

(B) The Authority shall calculate the mean total lives for each carrier and licensed third-party administrator.

(C) All carriers and licensed third-party administrators with calculated mean total lives of 5,000 or higher shall be mandatory reporters.

(b) All PBMs shall be mandatory reporters.

~~(c) All MCOs shall be mandatory reporters.~~

~~(d)~~ All CCOs shall be mandatory reporters.

~~(e)~~ All reporting entities with Dual Eligible Special Needs Plans in Oregon shall be mandatory reporters.

~~(f)~~ All insurers providing coverage funded under Part A, Part B or Part D of Title XVIII of the Social Security Act, subject to approval by the United States Department of Health and Human Services shall be mandatory reporters.

~~(g)~~ All insurers offering a health benefits plan in Oregon's health insurance exchange shall be mandatory reporters.

~~(h)~~ All insurers providing group health insurance plans to PEBB and OEGB members shall be mandatory reporters.

(2) Voluntary reporters may elect to participate by notifying the Authority in writing.

(3) Mandatory and voluntary reporters shall submit data files for all required lines of business. They may submit data files for the voluntary lines of business and may not submit data files for any excluded lines of business.

(a) Required lines of business include:

(A) Medicare (parts C and D);

(B) Medicaid;

(C) Individual;

(D) Small employer health insurance;

(E) Large group;

(F) Associations and trusts;

(G) PEBB and OEBB group health insurance plans; and

(H) Self-insured plans not subject to ERISA.

(b) Voluntary lines of business include self-insured plans subject to ERISA.

(c) Excluded lines of business include:

(A) Accident policy;

(B) Dental insurance;

(C) Disability policy;

(D) Hospital indemnity policy;

(E) Long-term care insurance;

(F) Medicare supplemental insurance;

(G) Specific disease policy;

(H) Stop-loss plans;

(I) Student health policy;

(J) Vision-only insurance; and

(K) Workers compensation.

(4) Mandatory and voluntary reporters shall comply with data file layout, format, and coding requirements in OAR 409-025-0120.

(5) Mandatory and voluntary reporters shall comply with data submission requirements in OAR 409-025-0130.

(6) Unless otherwise required by state or federal rules, regulations or statutes, mandatory and voluntary reporters may not submit claims subject to stricter disclosure limits imposed by state or federal rules, regulations, or statutes.

(7) The Authority shall provide written notification by July 1 of each year to all mandatory reporters subject to the reporting requirements of OAR 409-025-0100 to 409-025-0170 for the following calendar year.

Stat. Auth.: ORS 442.466

Stats. Implemented: ORS 442.464 & 442.466

Hist.: OHP 1-2010, f. 2-26-10, cert. ef. 3-1-10; OHP 4-2012, f. 5-23-12, cert. ef. 6-1-12; OHP 5-2012(Temp), f. 6-23-12, cert. ef. 6-1-12 thru 11-15-12; OHP 6-2012; f. 6-26-12, cert. ef. 7-9-12; OHP 1-2016, f. & cert. ef. 1-5-16; OHP 10-2016, f. 6-22-16, cert. ef. 1-1-17