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TEMPORARY ADMINISTRATIVE ORDER
INCLUDING STATEMENT OF NEED & JUSTIFICATION

OEBB 5-2020

CHAPTER 111
OREGON HEALTH AUTHORITY
OREGON EDUCATORS BENEFIT BOARD

FILED

10/15/2020 2:51 PM
ARCHIVES DIVISION
SECRETARY OF STATE
& LEGISLATIVE COUNSEL

FILING CAPTION: This rule implements the double coverage surcharge as prescribed by HB 2266 (2019).

EFFECTIVE DATE: 10/15/2020 THROUGH 04/12/2021

AGENCY APPROVED DATE: 10/06/2020

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Filed By:
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NEED FOR THE RULE(S):

HB 2266 (2019) prescribes the OEBB Board to impose a surcharge in the event OEBB members cover their dependents who already have coverage under OEBB or PEBB. This rule implements the surcharge for OEBB.

JUSTIFICATION OF TEMPORARY FILING:

This rule needs to be in place ASAP as the surcharge implementation went live effective October 1, 2020, which is the beginning of the plan year. Effective October 1, 2020, those who have been identified as having double coverage as defined by our new rule, have been assessed and are paying a monthly surcharge. If an OEBB member were to challenge the surcharge, the rule language clarifies how it is being assessed as well as to whom. The language in the bill simply directs OEBB to implement it.

DOCUMENTS RELIED UPON, AND WHERE THEY ARE AVAILABLE:

OEBB Board Public Meeting minutes from October 6, 2020 are available online at:

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

HB 2266 (2019) available online at:

<https://olis.oregonlegislature.gov/liz/2019R1/Downloads/MeasureDocument/HB2266/Enrolled>

ADOPT: 111-040-0055

RULE SUMMARY: HB 2266 (2019) prescribes the OEBB Board to impose a surcharge in the event OEBB members cover their dependents who already have coverage under OEBB or PEBB. This rule implements the surcharge for OEBB.

CHANGES TO RULE:

111-040-0055

Surcharges

(1) For the purposes of this rule, the following definitions apply:

(a) Double Coverage means a subscriber/employee that is also an eligible dependent and is enrolled in two OEGB/OEGB or OEGB/PEGB medical plans.¶

(b) PEGB means the Public Employees' Benefit Board in Oregon.¶

(c) Subscriber/employee means the individual who subscribes to their employer's health plan. For the purposes of this rule, a subscriber excludes a COBRA participant, part-time employee, retiree or self-pay member.¶

(d) Dependent means and includes the eligible employee's spouse or domestic partner, or child as defined by OAR 111-010-0010(7), unless otherwise defined in another OEGB rule.¶

(e) Surcharge means an extra fee deducted from the employee's monthly pay.¶

(2) Double Coverage:¶

(a) Effective October 1, 2020, any active full-time subscriber/employees who covers an eligible dependent that is also enrolled as a subscriber on either an OEGB or PEGB medical plan will be assessed a monthly surcharge.¶

(b) The amount of the surcharge is determined annually by the OEGB Board.¶

(c) The monthly surcharge will only be charged to the subscriber.¶

(d) The subscriber will only pay one double coverage surcharge no matter how many dependents are covered.¶

(e) The surcharge does not apply to Retirees, COBRA participants, self-pay participants, part-time employees or medical opt-outs.

Statutory/Other Authority: ORS 243.860 - 243.886

Statutes/Other Implemented: ORS 243.866(2), ORS 243.864(1)(a)