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TEMPORARY ADMINISTRATIVE ORDER
INCLUDING STATEMENT OF NEED & JUSTIFICATION

OEBB 2-2021

CHAPTER 111
OREGON HEALTH AUTHORITY
OREGON EDUCATORS BENEFIT BOARD

FILED
09/29/2021 11:52 AM
ARCHIVES DIVISION
SECRETARY OF STATE
& LEGISLATIVE COUNSEL

FILING CAPTION: OEBB rules related to the administration of Senate Bill 551(2021)

EFFECTIVE DATE: 10/01/2021 THROUGH 03/29/2022

AGENCY APPROVED DATE: 09/07/2021

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Filed By:
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NEED FOR THE RULE(S):

Senate Bill 551 provides employee-only health plan coverage for part-time faculty at higher education institutions if they work at least half of a full-time equivalent employee. Coverage is limited to employee only and higher education institutions will cover 90 percent of premium costs. The benefits are primarily administered by community colleges and universities who have been selected as "Home Institutions" by eligible part-time faculty. Home Institutions will be responsible for ongoing determination of eligibility, collection and payment of premium costs and overall administration. The health care plans will be provided through PEBB and OEBB. This rule explains OEBB's role in the administration of coverage through Senate Bill 551.

JUSTIFICATION OF TEMPORARY FILING:

Senate Bill 551 passed out of the 2021 legislative session with an emergency declaration. PEBB and OEBB began working with universities and community colleges on an implementation plan. With a tight timeframe for implementation PEBB and OEBB drafted rules, worked with the implementation team and a stakeholder group with the Rule Advisory Committee (RAC), and ultimately decided to utilize the temporary rule filing to get these rules in place effective October 1, 2021. Without filing temporary, we would not be aligned with the effective date of the bill. The OEBB Board reviewed and approved these rules for temporary filing at their September 7, 2021 Board meeting.

DOCUMENTS RELIED UPON, AND WHERE THEY ARE AVAILABLE:

Senate Bill 551 (2021 Regular Session), Chapter 583, 2021 Laws
Meeting recording from the OEBB Board meeting from Tuesday, September 7, 2021. The proposed rules were reviewed and approved by the OEBB Board to give staff authority to file the proposed rules as temporary and move these rules through the permanent rulemaking process. This can be found online at <https://www.oregon.gov/oha/OEBB/Pages/OEBB-Board-Meetings.aspx>

ADOPT: 111-070-0075

RULE TITLE: Administration of SB 551 Program

RULE SUMMARY: OAR 111-070-0075 explains the administration of the SB 551 benefit program by OEGB.

RULE TEXT:

- (1) "SB 551 eligible 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. "SB 551 eligible member" does not mean or include a part time faculty member who is eligible for benefits through the Public Employees Benefit Board (PEBB) or the Oregon Educators Benefit Board (OEGB).
- (2) SB 551 eligible member 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.
- (3) Persons currently eligible for OEGB or PEBB coverage as a subscriber or dependent are not SB 551 eligible. OEGB reserves the right to audit and retroactively terminate OEGB SB 551 coverage.
- (4) 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.
- (5) Coverage elected under this section is effective the entire plan year unless the SB 551 eligible member is terminated by OEGB or an Oregon institution of public education for failure to meet SB 551 eligibility or participation requirements.
- (6) OEGB will not credit deductibles, out of pocket maximums for SB 551 members who transfer between an OEGB medical plan and PEBB medical plan.
- (7) It shall be the sole responsibility of the Oregon public institution of higher education to determine eligibility for coverage.
- (8) It shall be the sole responsibility of the part time faculty member to submit all information necessary to the home institution to make an eligibility determination for SB 551 coverage.
- (9) 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