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BEV CLARNO
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INTERIM DEPUTY SECRETARY OF STATE



ARCHIVES DIVISION
STEPHANIE CLARK
DIRECTOR

800 SUMMER STREET NE
SALEM, OR 97310
503-373-0701

TEMPORARY ADMINISTRATIVE ORDER
INCLUDING STATEMENT OF NEED & JUSTIFICATION

PEBB 4-2020

CHAPTER 101
OREGON HEALTH AUTHORITY
PUBLIC EMPLOYEES' BENEFIT BOARD

FILED
07/31/2020 11:24 AM
ARCHIVES DIVISION
SECRETARY OF STATE
& LEGISLATIVE COUNSEL

FILING CAPTION: Protecting PEBB member benefits during COVID-19

EFFECTIVE DATE: 07/31/2020 THROUGH 10/05/2020

AGENCY APPROVED DATE: 07/31/2020

CONTACT: April Kelly
503-387-6588
April.R.Kelly@state.or.us

500 Summer Street NE, E-89
Salem, OR 97301

Filed By:
April Kelly
Rules Coordinator

NEED FOR THE RULE(S):

The Oregon Health Authority, Public Employees' Benefit Board (PEBB) is temporarily adopting OAR 101-015-0055 to implement the Governor's Executive Order 20-03. The Executive Order is the result of a declaration of an emergency due to the public health threat posed by the novel infectious coronavirus (COVID-19). Executive Order 20-03, in part, addresses filing temporary rules to provide services and support during the Emergency Declaration. This temporary rule provides protection to PEBB members in the event they fall below the minimum number of working hours in a month to maintain core health benefit coverage and who are not in a current stability period under the Affordable Care Act or on approved FMLA, CBIW or any other protected leave. Additionally, PEBB members may need more time to submit their Flexible Spending Account (FSA) claims from plan year 2019. The claims runout period usually ends March 31. Due to the timing of the pandemic, PEBB is extending this deadline.

JUSTIFICATION OF TEMPORARY FILING:

PEBB finds that failure to act promptly will result in serious prejudice to PEBB members who are in jeopardy of losing their health benefits during this state of emergency, as early as April 30. Losing health benefit coverage during this time would be detrimental to State of Oregon and University employees. PEBB also finds PEBB members need more time to submit their Flexible Spending Account (FSA) claims from plan year 2019 due to the timing of the pandemic. This temporary rule is supported by DAS, DOJ and the Governor's Office.

DOCUMENTS RELIED UPON, AND WHERE THEY ARE AVAILABLE:

Office of the Governor, State of Oregon. Executive Order No. 20-03. Available online at:
https://www.oregon.gov/gov/admin/Pages/eo_20-03.aspx

ADOPT: 101-015-0060

SUSPEND: Temporary 101-015-0060 from PEBB 2-2020

RULE TITLE: All current PEBB ASIFlex Flexible Spending Account (FSA) Subscribers

RULE SUMMARY: PEBB members may need more time to submit their Flexible Spending Account (FSA) claims from

plan year 2019. The claims runout period usually ends March 31. Due to the timing of the pandemic, PEBB is extending this deadline until 60 days following the time when the National Emergency is declared over. This temporary rule extends the deadline.

RULE TEXT:

Employees enrolled in a Health Care Flexible Spending Account (HCFSAs) and/or a Dependent Care Flexible Spending Account (DCFSAs) during plan year 2019, may submit claims incurred by March 15, 2020 to ASIFlex, until sixty days following the time that the National Emergency is declared over. PEBB has extended the claims runout period in response to COVID-19.

STATUTORY/OTHER AUTHORITY: ORS 243.061 - 243.302

STATUTES/OTHER IMPLEMENTED: ORS 243.125(1), 243.223(1)