

HEALTH BENEFIT PLANS

836-053-0015

Definition of Small Employer

(1) This rule is adopted for the purpose of modifying the definition of small employer as authorized in ORS 743B.005.

(2) This rule establishes the definition of small employer to be used in any instance in which the definition set forth in ORS 743B.005 would apply and in rules of the Department of Consumer and Business Services implementing the Insurance Code, ~~for the period beginning on January 1, 2016 and ending on December 31, 2017.~~

(3) As used in ORS 743B.005 and rules of the Department of Consumer and Business Services implementing the Insurance Code, “small employer” means, in connection with a group health benefit plan with respect to a calendar year and a plan year, an employer who employed an average of at least one but not more than 50 employees on business days during the preceding calendar year and who employs at least one employee on the first day of the plan year.

(4) For purposes of determining the number of employees in a group health benefit plan, insurers and producers should follow the guidance entitled, “Revised Counting Methodology for Determining Small or Large Group,” as set forth in Exhibit A of this rule.

[ED. NOTE: Tables referenced are not included in rule text. [Click here for PDF copy of table\(s\).](#)]

Stat. Auth.: ORS 731.244 & 743.730(27)

Stats. Implemented: ORS 743.730

Hist.: ID 12-2015(Temp), f. & cert. ef. 10-16-15 thru 4-11-16; ID 4-2016, f. & cert. ef. 4-8-16