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DENNIS RICHARDSON  
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LESLIE CUMMINGS  
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ARCHIVES DIVISION  
MARY BETH HERKERT  
DIRECTOR  
  
800 SUMMER STREET NE  
SALEM, OR 97310  
503-373-0701

**NOTICE OF PROPOSED RULEMAKING**  
INCLUDING STATEMENT OF NEED & FISCAL IMPACT

CHAPTER 836  
DEPARTMENT OF CONSUMER AND BUSINESS SERVICES  
INSURANCE REGULATION

**FILED**  
02/26/2018 10:54 AM  
ARCHIVES DIVISION  
SECRETARY OF STATE

FILING CAPTION: Health Benefit Plan Coverage of Well-woman Preventive Care Services

LAST DAY AND TIME TO OFFER COMMENT TO AGENCY: 03/29/2018 5:00 PM

*The Agency requests public comment on whether other options should be considered for achieving the rule's substantive goals while reducing negative economic impact of the rule on business.*

CONTACT: Karen Winkel  
503-947-7694  
karen.j.winkel@oregon.gov

350 Winter St NE  
Salem, OR 97301

Filed By:  
Karen Winkel  
Rules Coordinator

HEARING(S)

*Auxiliary aids for persons with disabilities are available upon advance request. Notify the contact listed above.*

DATE: 03/22/2018

TIME: 9:00 AM

OFFICER: Staff

ADDRESS: Labor & Industries Building

350 Winter St NE

Conference Room E

Salem, OR 97301

NEED FOR THE RULE(S):

Section 2(2)(a) of House Bill 3391, passed during the 2017 legislative session, requires health benefit plans beginning in plan year 2017 to cover a range of preventive and some non-preventive services at no cost to consumers. Among these services include well-woman preventive care services as prescribed by the Department of Consumer and Business Services by rule consistent with guidelines published by the United States Health Resources and Services Administration.

DOCUMENTS RELIED UPON, AND WHERE THEY ARE AVAILABLE:

House Bill 3391 (2017), available at: <https://olis.leg.state.or.us/liz/2017R1/Downloads/MeasureDocument/HB3391>;  
The United States Health Resources and Services Administration Women's Preventive Service Guidelines, available at: <https://www.hrsa.gov/womens-guidelines/index.html>; and  
The Women's Preventive Services Initiative (WPSI) Report, available at: <https://www.womenspreventivehealth.org/final-report/>.

Draft rules are available from Karen Winkel located at 350 Winter St. NE, Salem, OR 97301 and are available on the division's Web site at: <http://dfr.oregon.gov/laws-rules/Pages/proposed-rules.aspx>.

## FISCAL AND ECONOMIC IMPACT:

There is no fiscal impact is anticipated for the Division of Financial Regulation (DFR) as a result of the proposed rule. If there is any fiscal impact it would be the result of the underlying legislation. The proposed changes specify what state law under House Bill 3391 will require for insurers offering health benefit plans in the individual, small and large group markets. Further, federal law under the Affordable Care Act (ACA) categorizes well-woman care as a preventive service and an essential health benefit and requires insurers offering non-grandfathered plans in the individual and small group markets to cover this service at no cost to consumers today. Some insurers offering plans in the large group market that do not provide coverage for well-woman care services consistent with HRSA guidelines may experience a financial impact, but the division did not receive comment from any groups regarding a financial impact. Further, as large group plans do not file rates with the division we do not possess enough information to know if there is a fiscal impact.

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## COST OF COMPLIANCE:

*(1) Identify any state agencies, units of local government, and members of the public likely to be economically affected by the rule(s). (2) Effect on Small Businesses: (a) Estimate the number and type of small businesses subject to the rule(s); (b) Describe the expected reporting, recordkeeping and administrative activities and cost required to comply with the rule(s); (c) Estimate the cost of professional services, equipment supplies, labor and increased administration required to comply with the rule(s).*

(1) Based on available information, the proposed rule would have no financial impact on state agencies, local governments, or the public because the proposed rule does not create additional requirements beyond those in the underlying legislation, House Bill 3391. Depending on coverage, some members of the public could experience reductions in cost sharing for certain services, but the division does not possess enough information to quantify this potential impact.

(2)(a) Even though 95% of Oregon business are classified as small (i.e. 50 or fewer full-time or full-time equivalent employees), we do not possess data on how many business in Oregon are offering non-grandfathered health insurance coverage (health benefit plans) to their employees. For the small employers that are already offering health insurance coverage to their employees, this coverage should already include well-woman care preventive services at no cost to consumers. The same requirements would apply under House Bill 3391 and the proposed rule. Therefore we could not quantify the impact without data on each small employer's current coverage.

(2)(b) Because the rule adopts the standards for which well-woman care is covered, we do not anticipate additional administrative requirements and associated costs for small businesses as these groups that offer health insurance coverage today would be subject to the same requirements under House Bill 3391 and the proposed rule.

(2)(c) Because the rule adopts the standards for which well-woman care is covered, we do not anticipate additional costs for small businesses as these groups that offer health insurance coverage today would be subject to the same requirements under House Bill 3391 and the proposed rule.

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## DESCRIBE HOW SMALL BUSINESSES WERE INVOLVED IN THE DEVELOPMENT OF THESE RULE(S):

Rules advisory committee participation focused on stakeholders that were involved in House Bill 3391 during the 2017 legislative session. Organizations representing small employers specifically were not among this group of stakeholders. However, representatives from the insurance agent community and other organizations did participate on the group and many insurance agents in the state are themselves small businesses.

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ADOPT: 836-053-0435

RULE SUMMARY: The proposed rule adopts the United States Health Resources and Services Administration guidelines for well-woman care preventive services that insurers offering health benefits plans in the individual, small and large groups markets will be required to cover at no cost to consumers beginning plan year 2019.

CHANGES TO RULE:

836-053-0435

Health Benefit Plan Coverage of Well-woman Preventive Care Services

(1) Health benefit plan policies or certificates issued, renewed, modified or extended on or after January 1, 2019 must provide coverage for all of the well-woman care services consistent with guidelines published by the United States Health Resources and Services Administration as of January 1, 2017:

The United States Health Resources and Service Administration guidelines support the Women's Preventive Services Initiative clinical recommendations. Health benefit plans must provide coverage for well-woman preventive visits as described on pages 147 through 151 of the Women's Preventive Service Initiative Report, published December 2016 and available at:

<http://dfr.oregon.gov/business/insurance-industry/health-ins-regulation/Pages/regulatory-guid.aspx>

(2) Carriers shall ensure that health benefit plans are consistent with current practice and form filing requirements found in OAR 836-010-0011(2).

Statutory/Other Authority: 2017 Oregon Laws, Ch. 721 (Enrolled House Bill 3391)

Statutes/Other Implemented: 2017 Oregon Laws, Ch. 721 (Enrolled House Bill 3391)