

Discussion draft 3/17/22

Proposed repeal of OAR 836-053-0070, which duplicates proposed new AHP rule 836-053-XXXX
Issuance of Group Health Benefit Plan to Employer Association

~~836-053-0070~~

~~Multiple Employer Welfare Arrangements~~

~~For purposes of determining whether a multiple employer welfare arrangement is exempt from the requirements of the Insurance Code that apply to a small employer carrier, the director must consider the following factors:~~

~~(1) Whether all of the benefits that are provided under the arrangement are guaranteed by policies of insurance issued by an authorized insurer.~~

~~(2) Whether the arrangement consists of an employee welfare benefit plan for employees of two or more employers or their beneficiaries as defined in ERISA sections 3 (5) and (40).~~

~~(3) Whether the arrangement is essentially controlled by an insurer, benefit service organization or individual for the purpose of creating a market for furnishing benefits to diverse individuals or groups rather than a bona fide multiple employer welfare arrangement.~~

~~Statutory/Other Authority: ORS 731.244, 743.731 & 746.240~~

~~Statutes/Other Implemented: ORS 743.730(24)~~

~~History:~~

~~ID 12-2013, f. 12-31-13, cert. ef. 1-1-14~~

~~ID 5-1998, f. & cert. ef. 3-9-98~~

~~ID 12-1996, f. & cert. ef. 9-23-96~~

~~ID 17-1992, f. 12-3-92, cert. ef. 12-7-92~~