

August 11, 2025

Sent via email:

Lisa Emerson, Lisa.EMERSON@dcbs.oregon.gov

Karen Winkel, Karen.J.WINKEL@dcbs.oregon.gov

Thank you for giving Oregon Consumer Justice (OCJ) the opportunity to provide feedback on the draft rule related to HB 3134 (prior authorization reporting) that was discussed at the July 29, 2025, RAC meeting.

1. OCJ agrees that the data fields included in the draft rule of OAR 836-053-1070(7) as presented at the RAC meeting represent an effort to provide greater transparency to consumers.
2. We disagree with comments during the RAC meeting that reporting only completed prior authorizations is sufficient. Requiring insurers to report fewer data fields would conflict with the legislation's intent and provide less transparency to consumers.
3. The draft rule's data fields are consistent with statutory requirements per ORS 743B.250(8)(d)(A)-(H).
4. We understand that HB 3134 does not require insurers to report which health care services require prior authorization, a key facet of similar legislation in many other states¹, including model legislation.² We believe there would be stronger consumer protections if insurer reporting required a list of services requiring prior authorization. If the rule will not require this list, at the very least, the rule should include the data fields in the proposed rule for reporting.

¹ Accessed 8/6/2025,
<https://www.asco.org/news-initiatives/policy-news-analysis/states-lead-prior-authorization-reform>,
<https://www.ama-assn.org/practice-management/prior-authorization/10-states-have-tackled-prior-authorization-so-far-2024>

² Accessed 8/6/2025,
<https://fixpriorauth.org/sites/default/files/2025-04/Health%20Plans%2C%20Ensuring%20Transparency%20in%20Prior%20Auth%20Act%202025.pdf>

- a. We think it is important to note that HB 3134 allows a provider to use the prior authorization application programming interface, as described in 45 C.F.R. 156.223(b), to determine whether prior authorization is required, but the consumer would not have independent access to this information.

OCJ encourages DCBS to require the data fields as outlined in the draft rule.

Regards,

Clare Spaulding
Policy Intern