



**Meeting Notes**  
**Division of Financial Regulation**  
**Insurance Advisory Committee**

October 27, 2020  
9:00am-10:30am

**Call to Order: Jennifer Baker, Chair**

Chair Jennifer Baker, welcomed everyone.

In attendance included: Consumer representatives: Jim Davis and Tamara Bakewell. Jerry Cohen was absent.

Industry representatives included Jennifer Baker, Eric Cutler, Chris McLaran, and David Nessler-Cass. Ryan Chieffo was absent.

Industry Producers included: Wendy Abel-Hatzel, Christopher Boone, Dawn Miller, David Willis. Patrick O'Keefe was absent.

DCBS/DFR staff included Commissioner Andrew Stolfi, Tricia Goldsmith, Brian Fordham, Tashia Sizemore, Alex Cheng, JP Jones, TK Keen, and Nancy Yuill.

**Division Reports and Discussion**

**1. Commissioner Stolfi's Report**

**1.1 Staff changes:**

Kevin Jeffries has moved to OEM. We will kick off recruitment soon and members of IAC will have some involvement. Commissioner Stolfi emphasized that the consumer advocate position is very important and that every employee, especially advocates and outreach staff, are consumer advocates. Jim Davis volunteered to be in the selection process.

Numi Griffith has moved from OSPIRG to the DFR policy team, taking over the drug price transparency program, therefore she will not be on the Insurance Advisory Committee as a consumer representative any more.

Mary Moller has been hired as the new deputy director for DCBS. Mary is coming over from the Governor's office.

**1.2 COVID Quarantine Relief Fund update:** The \$30 million fund was assigned to DCBS to set up and distribute as a benefit program to bridge the gap for employees who need to take two weeks of sick leave for quarantine, but their employer does not provide COVID sick leave. This fund fills exemptions that are in the CARES act. The benefit is \$120 a day for up to 10 days. The fund was launched September 16<sup>th</sup> and there have been 2,150 claims submitted, 1,400 approved, 500 denied and 200 in process. **Members can help promote the program by sharing the following link [www.oregon.gov/covidpaidleave](http://www.oregon.gov/covidpaidleave).**

**1.3 Unwinding of COVID-19 Executive Orders:** The executive orders ended at the end of September. It's now time to transition to allow consumers to work with carriers to catch up on premiums or shop around for different coverage. Chris Boone asked about what discussions are taking place regarding the long term impacts of COVID. Andrew described many efforts,

including telehealth, NAIC and HHS office of Civil Rights and relaxing HIPPA or Medicare, for using telehealth. He explained that carriers may have less auto claims, but now they are facing the wildfire impact. The division continues to monitor insurance companies economic health

1.4 Wildfire Executive Order and Bulletin: the first executive order (EO) and bulletin were issued in September, outlining the same relief as the COVID order, for any zip code that had level 2 or 3 evacuation. The second EO took affect on October 19<sup>th</sup>, with a bulletin adjusted to no longer include zip code areas that never reached level 3 or were not in level 2 on Oct 19<sup>th</sup>. Chris Boone asked about how to get information to consumers and businesses. Tricia discussed the information on our web site, the wildfire insurance info button and page, and having consumers talk to a consumer advocate to answer questions and find info.

1.5 Governor's Recommended Budget : The June and September economic forecasts have experienced a lot of changes. The current forecast predicts a \$1 billion shortfall for the budget. The Governor's Recommended Budget (GRB) will be done December 1<sup>st</sup>. We do not expect any changes to DFR programs beyond belt tightening.

2. Consumer Advocacy & Outreach Manager- Tricia Goldsmith

2.1. Update on Consumer Liaison position and the Outreach team: Hiring for Kevin's position will start in November. The interview process will include stakeholders. We are also hiring another outreach position.

2.2. Emerging consumer issues about wildfires: Tricia described the topics advocates are hearing about and the updates to the web site. Dave Willis recognized that the information services offered by public adjusters and lawyers can be obtained from the DFR Consumer Advocates for free.

2.3. Outreach efforts to wildfire affected communities- Nancy explained the outreach the team has been doing in affected counties, including visiting shelter sites, multi-agency resource centers, FEMA outreach centers, and virtual sessions. Commissioner Stolfi hosted a virtual Town Hall on wildfire insurance in October, and there will be a follow up virtual Town Hall on November 12<sup>th</sup>.

3. Property & Casualty Product Regulation Manager- Brian Fordham

Wildfire data call: We are using NAIC resources to do the data call on wind and wildfire claims. NAIC will collect info from carriers, conduct data quality, and generate a summary report. The first report will be for claims through Oct 30<sup>th</sup>, then end of year, then quarterly. Since we are a standard fire state this is a great opportunity to spread risk and overall loss.

4. Life & Health Product Regulation Manager- Tashia Sizemore

4.1 New products because of COVID-19: A few health carriers are trying to make exclusions related to pandemics, and so then we limit who it can be marketing too, eg. not current consumers as better benefit. Jennifer asked about companies offering COVID tests, like Costco, for a fee, at their pharmacy, what does that do for coverage, who pays, do you submit your

receipt? Jennifer will send info, Tashia and Alex to explore, and back to committee in December. As more 3<sup>rd</sup> party providers come up, how will it be handled? Some states are seeing new covid insurance products, please let Tashia know if you see it.

4.2 What is DFR is doing to mitigate any changes to the market that might occur based on federal changes around the ACA? The ACA components are mostly in Oregon law. Each long session we do ACA reconnect bills to address parts prone to changes, or struck down federally (eg. discrimination, mental health, reproductive health). Challenges could come in around rates to consumers, eg major medical coverage, so Tashia is monitoring enrollment levels for drop offs.

4.3 Discussion about concerns brought forward regarding probationary periods for employers with COVID-19 and other matters for medical benefits. Chris trying to clarify how insurance company probationary period works, for example, if someone is furloughed, goes on state continuation, then comes back on to employer benefits, what happens to probationary period, Is it on hold? Tashia and Alex will discuss and Jennifer suggests we bring it up at the next meeting.

5. Policy Team Manager- Alex Cheng

2021 legislative concepts include:

- a. balance billing-its prohibited for services provided for out of network if the provider is based in a network facility. We are looking for a permanent solution, and to include all emergency services.
- b. Auto insurance rating: based primarily on driving related factors, prohibit disparate impact factors, including credit rating, Jim Davis and consumer advocates will strongly support this.
- c. Prohibit exclusions in life insurance for loss of life due to terrorist attacks, we disallow these policies already.
- d. Disability insurance and ERISA, to even the playing field.
- e. Long term care insurance, tech changes to align with NAIC model act.
- f. Placeholder concepts for drug price transparency program, improve reporting.
- g. Mental health parity : Senate bill 860 report.
- h. ACA reconnect to align state law with federal law.
- i. NAIC accreditation changes needed to stay accredited, accounting, capital requirements.