

Oregon Division of Financial Regulation Bulletin No. DFR 2020-5

TO: All Entities Transacting Health Insurance in Oregon

DATE: March 3, 2020

RE: Withdrawal of Oregon Insurance Division Bulletin INS 2010-01

Purpose

This bulletin withdraws Oregon Insurance Division Bulletin INS 2010-01.

Authority

- ORS 743B.013
- ORS 743B.105
- ORS 743B.110
- ORS 743B.125

Background

The Department of Consumer and Business Services (department) issued Bulletin INS 2010-01 to clarify that, consistent with then-applicable federal requirements of the Health Insurance Portability and Accountability Act of 1996 (HIPAA), a health benefit plan (or coverage provided to specific individuals under a health benefit plan) cannot be canceled or non-renewed based on a misrepresentation unless the misrepresentation is both material and intentional.

Since Bulletin INS 2010-01 was issued, HIPAA requirements regarding the cancellation and renewability of health insurance coverage have been superseded by the Patient Protection and Affordable Care Act (ACA). Relevant Oregon statutes have also been amended to clarify that health benefit coverage may only be non-renewed in the event of an intentional misrepresentation of a material fact as prohibited by the terms of the plan. Because of these changes, the guidance provided by Bulletin INS 2010-01 is no longer necessary.

Guidance for insurers and other regulated entities

Health insurance carriers and other parties seeking guidance on Oregon's requirements related to renewal and cancellation of health benefit plans are advised to consult ORS 743B.013 (small group plans), ORS 743B.105 (other group plans), or ORS 743B.125 (individual plans). Federal requirements for guaranteed renewability may be found at 42 U.S.C. § 300gg-2, 42 U.S.C. § gg-42, and regulations adopted thereunder.

Nothing in this bulletin shall be construed to limit the department's authority under the Oregon Insurance Code or its ability to continue enforcing the laws of the State of Oregon.

This bulletin takes effect immediately. It remains in effect until superseded by a further bulletin of the Division of Financial Regulation.



Andrew Stolfi
Administrator/Insurance Commissioner
Division of Financial Regulation

3/3/2020

Date