

Oregon Department of Consumer and Business Services Division of Financial Regulation, Bulletin No. DFR 2021-X

TO: All entities transacting health insurance in Oregon

DATE: December 10, 2021

RE: Expectations related to wildfires

Purpose

The purpose of this bulletin is to clarify the division's expectations for health insurers in the wake of recent wildfires.

Background

Wildfires in Oregon result in the loss of life and property, create imminent health and safety risks, and cause widespread disruption to the normal course of business in many areas across the state. In recent years, executive orders have been issued declaring states of emergency due to critical fire danger throughout Oregon pursuant to governor authority under ORS 401.165.¹

Under ORS 731.870, the director of the Department of Consumer and Business Services (DCBS) may order all admitted insurers in Oregon to provide relief to insureds during a declared state of emergency. DCBS issued emergency orders in the past directing insurers to extend reporting requirements for claims, provide grace periods for payment of insurance premiums and other duties by insureds, and temporarily postpone any cancellations or nonrenewals for policyholders in areas affected by wildfire.²

The Division of Financial Regulation is providing the following guidance to all health insurers on reasonable measures to provide relief to Oregonians affected by wildfires.

¹ For example, see Oregon Gov. Kate Brown's Executive Order declaring a state of emergency (EO No. 20-35), issued Aug. 20, 2020. EO 20-35: https://www.oregon.gov/gov/Documents/executive_orders/eo_20-35.pdf. Also see EO No. 21-17, issued June 29, 2021: https://www.oregon.gov/gov/Documents/executive_orders/eo_21-17.pdf

² Department of Consumer and Business Services, Wildfire Emergency Order, issued Sept. 18, 2020 can be found at <https://dfr.oregon.gov/insure/home/storm/Documents/wildfire-emergency-order-20200918.pdf>. The accompanying bulletin on Affected Areas subject to the Wildfire Emergency Order can be found at <https://dfr.oregon.gov/laws-rules/Documents/Bulletins/bulletin2020-16.pdf>

Guidance for health insurers

The division encourages all health insurers to take the following active measures to help people and businesses affected by the wildfires:

- Health insurers should take all practicable steps, consistent with the terms of the policy, to ensure enrollees are covered without delay for replacement durable medical equipment, prescription drugs, or other medical supplies, such as insulin, that were destroyed as a result of the fires or unavailable to enrollees due to evacuation or displacement.
- Health insurers should grant exceptions from network requirements to ensure that enrollees who seek treatment from out-of-network providers or at an out-of-network facility as a result of the fire are not subject to greater cost sharing than would apply at an in-network provider or facility. This includes enrollees who seek care out-of-network while evacuated or displaced from their home and any enrollees who are unable to access an in-network provider due to office or road closures.
- Health insurers should allow more flexibility to medical providers whose practices were destroyed, closed, or otherwise adversely affected by the wildfires. This includes extending deadlines for providers to submit claims and respond to insurer requests related to outstanding claims, medical management, prior authorization, internal appeals, external review, and any related matters.
- Health insurers should make sure replacement copies of insurance policies, membership cards, and other documents are readily available to its members, including making these materials available electronically whenever possible.

This bulletin takes effect immediately. It remains in effect until amended by another bulletin from the division.

Andrew R. Stolfi
Insurance Commissioner and Director
Department of Consumer and Business Services

Date