

Secretary of State  
**STATEMENT OF NEED AND JUSTIFICATION**  
A Certificate and Order for Filing Temporary Administrative Rules  
accompanies this form.

**FILED**  
6-26-17 2:04 PM  
ARCHIVES DIVISION  
SECRETARY OF STATE

Department of Consumer and Business Services, Health Insurance Marketplace  
Agency and Division

945  
Administrative Rules Chapter Number

**Marketplace Assessment Credit Calculation and Payment Date**

Rule Caption (Not more than 15 words that reasonably identifies the subject matter of the agency's intended action.)

In the Matter of:

Modification of the Marketplace assessment credit calculation and payment dates.

**Statutory Authority:**

ORS 741.002 & 741.005

**Other Authority:**

**Statutes Implemented:**

ORS 741.105

**Need for the Temporary Rule(s):**

This temporary rule changes the calculation and payment dates of the State of Oregon Department of Consumer and Business Services Health Insurance Marketplace carrier assessment credit. This change is necessary in order to give effect to the intent of House Bill 2391 (2017).

**Documents Relied Upon, and where they are available:**

HB 2391 (2017) can be found on this webpage: <https://olis.leg.state.or.us/liz/2017R1/Measures/Overview/HB2391>

**Justification of Temporary Rule(s):**

The intent behind HB 2391 is to fund the Oregon Reinsurance Program, in part with the excess assessment revenue currently held by the Oregon Health Insurance Marketplace. Existing Marketplace rules require an excess fund balance to be calculated based on funds held at the close of each fiscal biennium, and credited to insurance carriers toward future assessment costs in the September immediately following, as specified in OAR 945-030-0020(9) - (11). There is insufficient time to complete a permanent rulemaking process prior to the date that would be used for the basis of the calculation in 2017. Failure to temporarily amend OAR 945-030-0020(9) will cause the Oregon Health Insurance Marketplace to lose the necessary moneys to contribute to the funding of the reinsurance program.

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