

Secretary of State  
Certificate and Order for Filing  
**TEMPORARY ADMINISTRATIVE RULES**  
A Statement of Need and Justification accompanies this form..

I certify that the attached copies\* are true, full and correct copies of the TEMPORARY Rule(s) adopted on [July 14, 2011] by the  
Oregon Health Authority, Oregon Educators Benefit Board  
Date prior to or same as filing date 111

Agency and Division Administrative Rules Chapter Number

April Kelly 1225 Ferry Street SE, Suite B, Salem, OR 97301 (503) 378-6588  
Rules Coordinator Address Telephone

to become effective [ August 2, 2011 ] through [ January 28, 2012 ].  
Date upon filing or later A maximum of 180 days including the effective date.

**RULE CAPTION**

Adopts language for a new benefit offering, health savings accounts, in plan design development and selection  
Not more than 15 words that reasonably identifies the subject matter of the agency's intended action.

**RULEMAKING ACTION**

List each rule number separately, 000-000-0000.

Secure approval of new rule numbers (Adopted rules) with the Administrative Rules Unit prior to filing

ADOPT: 111-030-0046

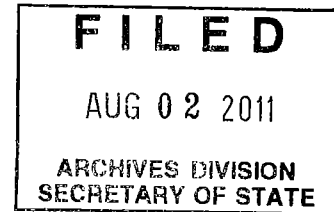
AMEND:

SUSPEND:

Stat. Auth.: ORS 243.860 – 243.886

Other Auth.:

Stats. Implemented: ORS 243.874(5)



**RULE SUMMARY**

Beginning October 1, 2011, OEBC will be offering health savings accounts (HSAs) as a new benefit offering. 111-030-0046 includes language on this new benefit offering.

*Denise J. Hall*

Authorized Signer

Denise Hall, Deputy Administrator

Printed name

8/2/2011

Date

\*With this original and Statement of Need, file one photocopy of certificate, one paper copy of rules listed in Rulemaking Actions, and electronic copy of rules.  
ARC 940-2005

**STATEMENT OF NEED AND JUSTIFICATION**

A Certificate and Order for Filing Temporary Administrative Rules accompanies this form.

Oregon Health Authority, Oregon Educators Benefit Board

111

Agency and Division

Administrative Rules Chapter Number

In the Matter of: 111-030-0046

Rule Caption: Adopts language for a new benefit offering, health savings accounts, in plan design development and selection

Statutory Authority: ORS 243.860 – 243.886

Other Authority:

Stats. Implemented: ORS 243.874(5)

Need for the Temporary Rule(s):

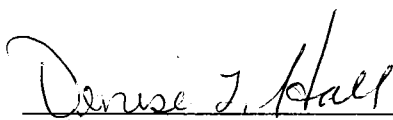
ORS 243.874(5) authorizes OEBC to "adopt rules as the board considers necessary for the establishment and administration of flexible benefit plans". Effective October 1, 2011 OEBC will be offering the use of a health savings account (HSA). OEBC needs the rules to be established prior to then as we approach our open enrollment period and need to provide guidance to our Educational Entities and members.

Documents Relied Upon, and where they are available:

ORS 243.860 to 243.886, 2007 Oregon laws available online or by request of the Oregon Educators Benefit Board staff. OEBC Board Public Meeting minutes from December 9, 2010 and April 28, 2011 available online at <http://oregon.gov/OHA/OEBC/Meetings/OEBCBoard/BoardMeetings.shtml>

Justification of Temporary Rule(s):

This Temporary rule needs to be in effect to provide guidance to our Educational Entities and members throughout open enrollment and going into our 2011 – 2012 plan year in which health savings accounts will be a new benefit offering. This will allow OEBC to operate under temporary rules while providing the time needed to follow the administrative rule process and gather public input. A Permanent rule will be filed to replace this Temporary rule prior to the January 17, 2012 expiration date.

  
Authorized Signer

Denise Hall, Deputy Administrator  
Printed name

8/2/2011  
Date

## **DIVISION 30**

### **PLAN DESIGN DEVELOPMENT AND SELECTION**

**111-030-0046**

#### **Development of Health Savings Accounts (HSA)**

(1) Effective October 1, 2011, OEGB will offer the use of an employer sponsored vendor for Health Savings Accounts (HSA). For purposes of this rule, an HSA vendor will be considered employer sponsored if the Educational Entity offers:

(A) Employer contributions to the HSA; or

(B) Pre-tax or direct deposit of employee contributions to the HSA.

(2) If an Educational Entity chooses to offer an employer sponsored HSA, the Educational Entity may offer this plan through the OEGB-contracted HSA.

(3) Educational Entities may select or allow the HSA option to be available to eligible employees who enroll in OEGB's high-deductible health plan (HDHP) option (currently Medical Plan 9).

(4) Eligible employees who are eligible to enroll in an HSA, and choose the employer sponsored HSA vendor, may do so directly through the HSA vendor or their Educational Entity.

(5) Eligible employees must meet requirements established by the Internal Revenue Service (IRS) to qualify for enrollment in an HSA. Once enrolled in an HSA, members are responsible to adhere to tax requirements of the IRS.

(6) Because IRS requirements for an individual to qualify for enrollment in an HSA include concurrent enrollment in a high-deductible health plan (HDHP), an Educational Entity that offers an employer sponsored HSA must offer its employees the choice of a HDHP option from among OEGB's medical plans (currently Medical Plan 9). If an employee is enrolled in an OEGB medical plan that is not an HDHP option, the employee may not enroll in the OEGB HSA.