

9-30

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 [ September 22, 2011 ]  
by the

Date prior to or same as filing date

Oregon Health Authority, Oregon Educators Benefit Board

111

Agency and Division

Administrative Rules Chapter Number

April Kelly

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Rules Coordinator

Address

Telephone

to become effective [October 1, 2011] through [ March 29, 2011 ].

Date upon filing or later

A maximum of 180 days including the effective date.

**RULE CAPTION**

Amendments to the overpayment and underpayment rule

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:**

**AMEND:** 111-080-0005

**SUSPEND:**

Stat. Auth.: ORS 243.860 – 243.886

Other Auth.:

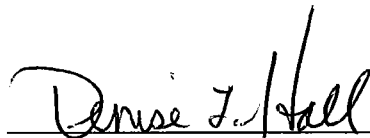
Stats. Implemented: ORS 243.864(1)(a)

**RULE SUMMARY**

AZ 9/30/11

OAR 111-080-005 is amended update the rule due to changes in the OEBO contracts with the insurance carriers.

0005



Denise L. Hall, OEBO Deputy Administrator

9/30/2011

Authorized Signer

Printed name

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

OEBO 19-2011 (T)

**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: 111-080-0005

Rule Caption: Amendments to the overpayment and underpayment rule

Statutory Authority: ORS 243.860 – 243.886

Other Authority:

Stats. Implemented: ORS 243.864(1)(a)

Need for the Temporary Rule(s):

*A.L. 9/30/11*  
OAR 111-080-~~005~~ is amended update the rule due to changes in the OEBB contracts with the insurance carriers.  
*0005*

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. OEBB Board Public Meeting minutes from September 22, 2011 are available online at <http://oregon.gov/OHA/OEBB/Meetings/OEBBBoard/BoardMeetings.shtml#2011>

Justification of Temporary Rule(s):

This temporary amendment is necessary to keep OEBB contracts with insurance carriers and OEBB's OARs consistent. OEBB's contracts are being revised for the 2011/2012 benefit plan year which begins October 1, 2011. This temporary rule will ensure that our overpayment and underpayment situations are being applied consistently under the contracts and rules. This will allow OEBB the time to go through the permanent rulemaking process and gain public comment. A permanent rule will be filed to replace this temporary rule prior to the March 29, 2012 expiration date.

*Denise L. Hall*

Authorized Signer

Denise L. Hall, OEBB Deputy Administrator

Printed name

9/30/2011

Date

## **DIVISION 80**

### **OPERATIONS**

**111-080-0005**

#### **Overpayments and Underpayments**

(1) For the purpose of this rule:

(a) "Overpayment" means the amount of a Participating District's monthly payment to OEGB that exceeded the amount due.

(b) "Underpayment" means a payment submitted by a Participating District that is less than the invoiced amount.

(2) Participating Districts seeking a refund of overpayments must:

(a) Notify OEGB within 90 calendar days from the date overpayment occurred;

(b) OEGB will resolve member overpayments by requesting a refund from the carrier in accordance with the law. The carrier shall refund the premium to OEGB back to the date of the termination or the date allowed by law for recoupment of paid claims.

(c) OEGB will generally reimburse Participating District overpayments through adjustments to future monthly payments.

(3) The Participating District shall submit any underpayment to OEGB as soon as it is discovered.

(4) OEGB reserves the right to issue surcharges or use other appropriate means for Participating District's that submit underpayments.