

From: [Behrens Anthony A](#)
To: [E-OHPSCA-STOPLOSS.EBSA](#)
Subject: Oregon Response to HHS RFI on Stop Loss
Date: Wednesday, June 13, 2012 12:05:52 PM

How do States regulate stop loss insurance?

742.065 Insurance against risk of loss assumed under less than fully insured employee health benefit plan. (1) Insurance against the risk of economic loss assumed under a less than fully insured employee health benefit plan, whether issued or delivered as health or casualty insurance, is subject to the following:

(a) The policy must be issued to and insure the employer, the trustee or other sponsor of the plan, or the plan itself, but not the employees, members or participants;

(b) Payment by the insurer must be made to the employer, to the trustee or other sponsor of the plan, or to the plan itself, but not to the employees, members, participants or health care providers;

(c) If the policy establishes an aggregate attaching point or retention, the point or retention must not be less than 120 percent of the expected claims; and

(d) If the policy establishes an attaching point or retention applicable to each individual covered by the plan, the point or retention must not be less than \$10,000.

(2) Insurance against the risk of economic loss assumed under a less than fully insured employee health benefit plan, whether issued or delivered as health or casualty insurance, is subject to this section and to ORS 743.523, 743.524 and 743.526, but is otherwise not subject to provisions of ORS chapters 743 and 743A.

(3) An insurer shall not issue or deliver to a small employer, as defined in ORS 743.730, a policy of insurance against the risk of economic loss assumed under a less than fully insured employee health benefit plan. [1993 c.649 §2; 1995 c.506 §13]

In States that are regulating this insurance, what are the licensing processes and standards?

<http://www.cbs.state.or.us/ins/docs/serff/2445.pdf>

Have States proposed laws, regulations, or best practices with regard to stop loss insurance?

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Do such proposals focus on attachment points, size of the group, percent of total claims paid by the stop loss insurer, or other criteria?

Attachment points, group size, and percentage of claims.

What are the issues States face in regulating stop loss insurance?

Whether we need to increase attachment point amounts for employers with more than 100 employees.

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From: Woods Gayle
Sent: Monday, April 30, 2012 2:29 PM
To: Behrens Anthony A
Subject: RE: HHS RFI on Stop Loss

Here's a link to our product standards for carriers who file stop loss products for prior approval:

<http://www.cbs.state.or.us/ins/docs/serff/2445.pdf>

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From: Behrens Anthony A
Sent: Monday, April 30, 2012 11:48 AM
To: Boyce Annette C; Latham ARussell; Cali Laura N
Cc: Woods Gayle; Schopf Michael D

Subject: HHS RFI on Stop Loss

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