2024 Health Care Affordability State Policy Snapshot

OREGON

CURB EXCESS PRICES IN THE SYSTEM	**PREMIUM RATE REVIEW**	**HEALTH CARE SPENDING BENCHMARKS**	**HOSPITAL PRICE REGULATION**	**PUBLIC OPTION**
IMPROVE OVERSIGHT, ACCOUNTABILITY AND TRANSPARENCY	**HEALTH SPENDING OVERSIGHT ENTITIES**	**ALL-PAYER OR MULTI-PAYER CLAIMS DATABASE**	**PRICE TRANSPARENCY**	**MEDICAL DEBT COLLECTION REGULATIONS**
ADDRESS CONSOLIDATION AND PROMOTE COMPETITION	**CONSOLIDATION ASSESSMENT AND AUTHORIZATION**	**BALANCE BILL PROTECTIONS**	**FACILITY FEE LIMITS**	**ANTI-COMPETITIVE CONTRACT PROVISIONS**
MAKE OUT-OF-POCKET COSTS AFFORDABLE	**REDUCED COST-SHARING: PRESCRIPTION DRUGS**	**REDUCED COST-SHARING: HIGH VALUE SERVICES**	**MEDICAL DEBT PREVENTION**	**EXPANDED COVERAGE**

State Has Active Legislation

State Does Not Have Active Legislation

HEALTHCARE VALUE HUB

The Health Care Value Hub ("the Hub") is proud to launch the 2024 Health Care Affordability Policy Snapshot ("Affordability Snapshot") which replaces the annual Healthcare Affordability Scorecard ("Scorecard"). The Affordability Snapshot provides legislators, consumer advocates, regulators and other stakeholders a tool to compare their state's health policies across other states.

The categories examined in this resource explore a variety of policy options that have previously appeared in the Scorecard, as well additional policies that impact health care affordability. Policies were selected based on whether they have the potential to impact health care affordability or access to health care at the state level, whether a reputable source was available for review, and whether evidence was current within the past ten years.

Policies were examined for whether they were active, implemented to a limited degree, or not active as of July 1, 2024. Sources for this information can be found in the downloadable Data and Source Document available on the **Dashboard** page.

The Hub offers both online and hands-on support, with a staff dedicated to monitoring, translating, and disseminating evidence and connecting advocates, researchers, and policymakers to build communities and galvanize action around creating a patient-centered, high-value healthcare system. As a research-based organization, the Hub takes a comprehensive approach to improving affordability through policy analysis, translation, visualization, and collaborative engagement. We encourage advocates, legislators, and other stakeholders to share our findings to improve consumer health care affordability across the states.

Curb Excess Prices in the System

Premium Rate Review

States can control excessive health insurance premium increases through premium rate review, where state insurance regulators scrutinize proposed rate hikes for the upcoming year to ensure that the increases are based on accurate data and realistic projections of health care costs and utilization. The Affordable Care Act (ACA) set standards for these efforts, and states meeting these standards are recognized by the Centers for Medicare and Medicaid Services (CMS) as having an effective rate review process. States may also establish the authority to approve or deny rate increases and incorporate affordability criteria into their evaluations. This section examines whether a state has an effective rate review program, as defined by CMS, the power to approve or deny rate increases, and if affordability criteria are integrated into the rate review process.

Health Care Spending Benchmarks

Health spending benchmarks aim to limit annual health care spending growth by establishing a maximum limit, or "benchmark." Benchmarks may examine overall spending or spending for specific hospitals or insurers. If the benchmark is surpassed, the overseeing state entity will often collaborate with providers to curtail spending, and some states authorize the entity to mandate performance improvement plans or impose penalties. This section examines whether a state has established a benchmark, and if so, whether the state has statutory authority to enforce the benchmark.

Hospital Price Regulation

This section assesses state efforts to reduce hospital service costs through reference-based pricing, global budgets, or a comparable program that regulates hospital pricing. Unlike reference-based benefits, which set a maximum allowed benefit for specified drugs or services, reference-based pricing establishes set service costs based on a predetermined reference rate. As of publication, each state that has implemented this model has set reimbursement as a multiple of the Medicare reimbursement rate.

Similarly, global budgeting involves setting a fixed prospective payment for a specified range of services over a defined period, rather than being paid for each service. By establishing a limit on annual spending, this model shifts the financial responsibility to providers and payers and encourages managing service delivery within the set budget. Some states have established state-specific insurance models which mirror select aspects of these strategies, which are also highlighted under "alternative hospital price regulation strategies."

Public Option

A Public Option is a state-managed health insurance model designed to enhance competition and control costs through negotiated rates. States possess a degree of flexibility in designing these coverage options, resulting in variations in cost-containment measures and provisions related to network adequacy and reimbursement. This section highlights states that have an active Public Option and those with provider participation mandates to ensure consistent access to in-network providers.

Policy	Status as of July 1, 2024	Summary
Premium Rate Review	● Has an effective rate review process. ● Has the authority to modify or reject premium rate increases. ● Incorporates affordability criteria into premium rate review.	Oregon has the authority to approve or deny proposed premium rate increases in the individual and small group markets, but not the large group market. The state also has the authority to hold public hearings to solicit stakeholder engagement in the process. Oregon law states that rate filings will be denied if they are prejudicial to the interests of the insured's policyholders, are unjust, unfair, or inequitable, or if the benefits are not reasonable in relation to the premium charged. The department also evaluates changes in the insurer's health care cost containment and quality improvement efforts.
Health Care Spending Benchmarks	● Has health care spending benchmark for providers and/or insurers. ● Has enforcement mechanism for healthcare spending benchmark.	Oregon's Sustainable Health Care Cost Growth Benchmark is set at 3.4% for 2021-2026 and 3.0% for 2026. The initiative is designed to achieve broad state-level cost growth goals measured at four levels: statewide, market (Medicaid, Medicare, commercial insurance), payer, and provider organization. HB 2081 passed in 2021 requires performance improvement plans from any payer or provider organization that exceeds the benchmark, with fines for late or incomplete submission of data and/or performance improvement plans. Additionally, payer or provider organizations that exceed the benchmark in any three out of five years are subject to a financial penalty that varies based on the amount of excessive spending.
Hospital Price Regulation	● Has implemented hospital reference-based pricing or rate-setting. ⊗ Has not implemented hospital global budgets. ⊗ Has not implemented alternative hospital price regulation strategies.	Oregon employs a reference-based pricing strategy to determine maximum reimbursement for services provided to residents enrolled in the state's Public Employee's and the Educators health benefit plans. Enacted in 2017, the legislation restricts reimbursement to 200% of the Medicare rate for in-network hospitals and 185% for out-of-network hospitals.
Public Option	⊗ Does not have an active Public Option. ⊗ Does not offer a state-wide Public Option, with or without a provider participation mandate.	

● State Has Active Policy or Program ◉ Policy or Program Partially Implemented ⊗ State Does Not Have an Active Policy or Program * No Source, or Limited Information Found

Improve Oversight, Accountability, and Transparency

Health Spending Oversight Entities

Health Spending Oversight Entities monitor and track health care spending systematically, offering data and research support to ensure efficient resource use. While many states set population health priorities, few have established oversight entities with enforcement powers. This section examines whether a state has a health spending oversight entity reviewing primary care, hospital, or prescription drug spending, and if upper payment limits for prescription drugs have been implemented.

All-Payer or Multi-Payer Claims Database

All-payer claims databases (APCDs) compile diverse health care data, that may include health, dental, and pharmacy claims from private insurers, state employee health programs, Medicare, and Medicaid. In instances where a database includes only some of these payers, it is referred to as a multi-payer claims database. Typically created through legislation, APCDs are often subject to state oversight and regulation. However, some claims databases have been voluntarily developed by independent entities, limiting oversight.

This section examines whether a state has an active all-payer or multi-payer claims database, if the database is facilitated and managed by the state or by third-party entities, if the data is free and accessible without institutional review board approval, and if the database is required to capture race and ethnicity demographic information.

Price Transparency

This section evaluates state efforts to provide access to health care price data through a publicly available and easily accessible tool. To be credited, the tool must show negotiated prices for various services and be accessible without fees, IRB approval, or legislative restrictions. Additionally, this section reviews whether a state requires prescription drug price data to be reported to a state entity and if a state has another form of price transparency regulation.

Medical Debt Collection Regulations

This section examines how a state regulates providers' ability to collect medical debt once it has been incurred. It reviews whether a state: prohibits providers from sending debts to collections while a patient is actively pursuing efforts to address the bill (e.g., appealing to insurance, applying for financial assistance, negotiating the bill, in a payment plan); prohibits spouses or other persons from being held liable for another adult's debt; limits collections' ability to garnish wages; prohibits collections from initiating home foreclosure; prohibits collections from initiating actions that would lead to an individual's arrest due to medical debt; prohibits collections from seizing a bank account.

Policy	Status as of July 1, 2024	Summary
Health Spending Oversight Entity	● Has a Prescription Drug Affordability Board reporting on prescription drug prices. ⊗ Does not enforce prescription drug prices through upper payment limits. ● Monitors and reports on hospital spending. ● Monitors and reports on primary care spending.	Oregon's Health Care Cost Growth Target Implementation Committee, established in 2020, monitors hospital spending as part of the state benchmarking program. The Oregon Health Authority is requires to monitor and report on the percentage of medical spending allocated to primary care by select payers, including state employee plans, Medicaid, and insurers with premium income of $200 million or more. Oregon's Prescription Drug Affordability Board has the authority to review nine drug prices and at least one insulin drug that are expected to create affordability challenges. The board also will annually study the generic drug market.
All-Payer or Multi-Payer Claims Database	● Has an all-payer or multi-payer claims database. ● Database is operated by the state. ● Database does not include access restrictions. ● Database is required to capture demographic information.	APCD represents 92% of the Oregon population. ACPD data is available by formal request and payment to receive data. Age and sex are demographics included in the APCD data, county, race, and ethnicity data is also collected but is limited or unavailable.
Price Transparency	● Has a price transparency tool showing negotiated rates. ● Has a Prescription Drug price transparency reporting requirement. ⊗ Does not have any other price transparency regulation.*	Oregon Hospital Guide, managed by the Oregon Association of Hospitals and Health Systems, displays the median price paid for common hospital procedures by commercial insurers. Drug manufacturers must annually report prices to the Department of Consumer and Business Services. Additionally, manufacturers must report any planned price increase of certain drugs 60 days before the increase.
Medical Debt Collection Regulations	⊗ Does not prohibit providers from sending debts to collections while patient is actively pursuing means to pay the bill.* ● Prohibits other persons being held liable for another adult's medical debt. ● Prohibits collections from initiating home lien or foreclosure due to medical debt. ● Exceeds federal wage garnishment protections. ⊗ Does not prohibit actions that would lead to an individual’s arrest due to medical debt.* ⊗ Does not prohibit collections from initiating bank account seizure due to medical debt.	Oregon prohibits foreclosing on an individual's residence for debts under $3,000. However, the state still allows a lien to be placed on the property, enabling creditors to collect once the property is no longer occupied by the debtor, their spouse, dependent parent, or dependent child, or after it is sold.

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Address Consolidation and Promote Competition

Consolidation Assessment and Authorization

This section examines whether relevant parties are required by law or statute to notify the state of hospital consolidation transactions beyond the federal requirements, and whether the state has the authority to review these transactions; to approve, reject, or modify conditions of the transaction; and if consumer affordability or price growth are included in the review criteria

Balance Bill Protections

The federal No Surprises Act (NSA) protects patients from balance bills, which are unexpected costs from out-of-network providers. Under the federal legislation, patients receiving emergency care or who are unknowingly treated by out-of-network providers during an in-network procedure are only required to pay the in-network cost-sharing amount for services provided. Effective January 1, 2022, the No Surprises Act applies to most health plans but not all care sites and services. States can legislate additional protections for balance bills not covered under the NSA, such as for ground ambulances, or services provided at urgent care locations, hospice facilities, and birthing centers.

Facility Fee Limits

Facility fees are charges for services provided in outpatient and physician office settings that hospitals own. These fees increase the out-of-pocket costs for care and are becoming increasingly more common as the rate of health system consolidation has accelerated. This section explores whether a state prohibits facility fees under certain circumstances, if they have imposed regulations to protect consumers against out-of-pocket costs from facility fees, and if they require hospitals to report facility fee data.

Anti-Competitive Contract Provisions

Anti-competitive contracting is a pattern of contracting between health care providers and insurers where one party gains unfair advantages over potential competitors. States can enact regulations that limit dominant health systems from abusing their market power in ways that increase prices. This section evaluates whether states prohibit four types of anti-competitive contracting practices in the health system:

- Most Favored Nation Clauses: Health systems agree not to offer lower prices to competing insurers, preventing them from offering the same service at a lower price. These provisions may allow insurers and providers to collude to raise prices.
- All-or-Nothing Clauses: Health systems require plans to contract with all providers in their system or none of them, even if those providers are low-value or high-cost.
- Non-Compete Clauses: Doctors are prohibited from working at competing hospitals within a certain distance for a certain period of time.
- Anti-Tiering or Anti-Steering Clauses: Insurers must place favored providers in higher tiers regardless of cost or quality (anti-tiering) and restrict directing patients to higher value care from competitors (anti-steering).

Policy	Status as of July 1, 2024	Summary
Consolidation Assessment & Authorization	● Requires certain healthcare providers to notify the state of consolidation transactions. ● Has authority to approve, set conditions, or disapprove consolidation transactions. ● Includes consumer affordability and/or price growth in review criteria or approval conditions.	Oregon requires the Attorney General be notified of nonprofit hospital transactions with authority to approve, set conditions for, or disapprove transactions, with criteria including public interest and accessibility of services. The Oregon Health Authority (OHA) must also be notified of all provider transactions where the parties have over $25 million in revenue and over $10 million in revenue, respectively, with authority to approve, set conditions for, or disapprove transactions with criteria including access to affordable care and significant change to market share. The OHA conducts analyses 1, 2, and 5 years after the transaction to ensure compliance with conditions, cost trends of the parties in the transactions, and impact of the transaction on the state's health care cost growth target.
Balance Bill Protections	⊗ Does not prohibit balance billing for out-of-network ground ambulance services. ⊗ Does not prohibit balance billing for out-of-network services at specific facilities not included in the NSA.	Oregon mandates insurers reimburse nonparticipating providers for emergency services without imposing stricter administrative, copay, or coinsurance requirements than those for participating providers. Under this law, emergency services include emergency transport and behavioral health assessments. However, the state has not yet passed explicit balance billing protections for ground ambulance services.
Facility Fee Limits	⊗ Does not prohibit facility fees for specified procedures and/or care settings.* ⊗ Does not have codified protections against out-of-pocket costs from facility fees.* ⊗ Does not require hospitals to report facility fee data.*	
Anti-Competitive Contract Provisions	⊗ No law restricting Most Favored Nation contract provisions. ⊗ No law restricting all-or-nothing contract provisions. ⊗ No law restricting anti-tiering or anti-steering contract provisions. ◉ Non-competes for physicians limited by statute.	Oregon restricts the enforceability of noncompete agreements based on several factors, allowing them only if the employee earns more than $113,241 annually, adjusted each year for inflation. Employers must pay garden leave to enforce noncompete contracts involving employees earning below this threshold. Noncompete agreements exceeding one year from the employee's termination are recognized as being unenforceable after twelve months.

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Make Out-of-Pocket Costs Affordable

Reduced Cost Sharing: Prescription Drugs

This section examines whether states have passed legislation reduce the amount a consumer pays out-of-pocket for select prescriptions drugs including insulin, epinephrine, oral oncology medications and asthma inhalers. This section also examines state-level legislation prohibiting copay accumulator programs, which are payer strategies that limit the impact of manufacturer cost-sharing assistance programs on consumer out-of-pocket costs.

Reduced Cost-Sharing: High Value Services

This section provides an overview of state efforts aimed at reducing consumer cost burdens for high-value services. Specifically, it identifies states which have enacted legislation mandating coverage without cost-sharing for: primary care services recommended by the United States Preventive Services Task Force (USPSTF); various cancer screening and diagnostic services; and annual mental health exams. It also evaluates state efforts to expand access to affordable maternal and reproductive health care by highlighting the states that mandate private insurers cover in-vitro fertilization, fertility preservation, doula services and abortion care. The section concludes with a review of whether a state has incorporated equity-focused initiatives in their state-regulated insurance design.

Medical Debt Prevention

This section reviews state laws aimed at preventing medical debt, including mandates for hospitals and health care providers to offer financial assistance policies, screen patients for insurance and charity care eligibility, and inform patients of charity care policies before collecting payment. It also assesses whether states have extended Medicaid benefits retroactively for 90 days; expanded general presumptive eligibility for Medicaid to all adults; prohibited short-term, limited duration health plans; and if the state has established annual reporting requirements on community benefit spending.

Expanded Coverage

This section evaluates policies aimed at expanding access to and improving the affordability of health insurance, including whether a state has expanded Medicaid eligibility to adults with incomes up to 138% of the federal poverty level (FPL); authorized 12-month continuous Medicaid eligibility for all adults; extended postpartum Medicaid coverage to 12 months following delivery; established a Basic Health Plan; initiated a program providing state-funded premium subsidies for residents ineligible for Medicaid; explicitly authorizes coverage for gender-affirming care under Medicaid; has authorized the provision of Medicaid coverage to individuals transitioning from incarceration; and if the state has extended Medicaid coverage to include dental, hearing, and vision benefits, including eye exams and glasses, beyond what is deemed medically necessary following injury or surgery. Beyond these policy options, this section also reviews state efforts to extend coverage to children, pregnant residents, and non-pregnant adults regardless of immigration status. This includes waiving the five-year required waiting period for immigrant children and legally residing pregnant residents (the "five-year bar"); offering alternative coverage options regardless of citizenship status; and opting into the From-Conception-to-End-of-Pregnancy (FCEP) option under the Children's Health Insurance Program (CHIP), previously known as the CHIP Unborn Child option.

Policy	Status as of July 1, 2024	Summary
Reduced Cost-Sharing: Prescription Drugs	⊗ Does not prohibit copay accumulator programs. ● Caps the price of insulin or diabetes supplies. ⊗ Does not cap the price of other prescription drugs or medical devices.	Insurers in Oregon will be prohibited from using copay accumulator programs starting in January 2025. Oregon caps the out-of-pocket cost for a 30-day supply of prescription insulin at $75.00. Beginning January 2025, the insulin price cap will be reduced to $35.00.
Reduced Cost-Sharing: High Value Services	● Mandates private insurers cover USPSTF recommended preventive services without cost-sharing. ● Waives or reduces cost-sharing for an annual mental health exam in private health plans. ● Provides coverage and/or waives or reduces cost-sharing for select maternal and reproductive health services. ● Mandates coverage for some cancer screening services without cost-sharing. ● Insurance design includes cost-saving measures to mitigate health disparities.	Oregon mandates insurers cover preventive services per 42 U.S.C. 300gg-13. However, since these protections are tied to federal law, it's unclear if they would remain if the ACA were overturned. The state also requires health insurance carriers, including those not on the exchange, to cover at least three behavioral health visits annually without cost-sharing. Oregon's Medicaid program covers doula services, and all health benefit plans must cover the total cost of abortion services and a variety of cancer screenings without cost-sharing, including colorectal cancer screenings and laboratory tests for patients 50 or older; breast cancer screening; cervical cancer screening; screening for the BRCA1 or BRCA2 genetic mutation and, if so indicated, coverage for genetic counseling; diagnostic mammography, including MRI or ultrasound; and supplemental breast examinations. Additionally, coordinated care organizations in Oregon must cover services provided by traditional health workers, supplementing other efforts to establish peer and community driven programs.
Medical Debt Prevention	● Mandates hospitals and other health care providers provide free or discounted care with set eligibility criteria for low-income patients (see notes). ● Mandates health care providers screen patients for insurance eligibility or charity care. ● Mandates health care providers notify patients of charity care options before collecting payment. ● Retroactively extends Medicaid benefits ninety days prior to application date for all enrollees. ⊗ Has not authorized all qualified entities to provide presumptive eligibility for all adults in Medicaid. ⊗ Has not prohibited or effectively eliminated short-term, limited duration health plans. ● Requires transparency in spending for community benefit programs.	Nonprofit hospitals in Oregon are required to provide free charity care to patients earning below 200% FPL, and discounted services to patients earning between 200% and 400% FPL.

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Policy	Status as of July 1, 2024	Summary
Expanded Coverage—Medicaid and Other Options	● Expanded Medicaid income eligibility to 138% FPL. ● Offers a basic health plan or other affordable coverage option for residents with incomes below 200% FPL. ● Authorized 12-month continuous eligibility for adult Medicaid enrollees. ● Includes 12 months of postpartum care in Medicaid benefits. ⊗ Does not provide select Medicaid services to justice-involved people up to 90 days before release. ● Medicaid policy explicitly includes coverage for gender-affirming services. ◉ Offers some, but not an extensive amount of dental, vision, or hearing coverage in Medicaid benefits (see notes). ⊗ Does not offer state-based premium subsidies.	Oregon's Basic Health Plan went live July 2024, covering people earning 138% to 200% FPL. Oregon offers 24-month continuous eligibility for adults with Medicaid. Oregon's 1115 waiver extending Medicaid coverage to incarcerated individuals 90 days before release was approved in July 2024 and the state is in process of implementation. Oregon Medicaid covers eye exams for adults, but only covers glasses for specific medical conditions or after eye surgery (if medically necessary); covers hearing aids and other hearing devices for adults; and offers some dental coverage for extraction, dentures, root canals, restorative (crowns and fillings), preventive, and diagnostic dental services. The Oregon Health Authority covers all health services recognized by the World Professional Associations for Transgender Health.
Expanded Coverage—Immigrant Coverage	◉ Offers coverage for either lawfully residing immigrant children or pregnant people without a five-year bar, but not both (see notes). ● Covers pregnancy-related services through the CHIP "From-Conception-to-End-of-Pregnancy" (FCEP) Option. ● Offers an affordable coverage option for undocumented immigrant children. ● Offers an affordable coverage option for undocumented immigrant adults.	Oregon's Cover All Kids program offers comprehensive Medicaid-like coverage for children with incomes at or below 305% FPL regardless of immigration status as well as comprehensive Medicaid-like benefits for all people age 19 or older with incomes at or below 138% regardless of immigration status through the Healthier Oregon Program. The state has also adopted the "Lawfully Residing" option to offer Medicaid and/or CHIP to children without a 5-year wait, but not pregnant people.

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