Oregon Administrative Rule, 111-040-0001
Public Comments
Public Hearing November 16, 02011
Last day for public comment November 30, 2011

Hi April,
As directed in OEBB's recent notice of rulemaking on several topics, including clarifying when a grandchild is eligible, please be advised that I have concerns with the following proposed rule:

> (C) If the legal guardianship is finalized 61 or more days from the date of birth of the grandchild, and the effective date of legal guardianship is retroactive to the grandchild's date of birth, coverage will be effective retroactive to the date of birth.

Unless there are significant limitations in the laws governing granting of guardianship, the above proposed rule as written exposes the insurance companies, districts and possibly even employees to potentially significant unexpected additional cost. What is to prevent a grandparent from taking guardianship of a two-year-old grandchild with a retroactive to birth clause in the guardianship? That could then result in higher costs to the insurance company for prior incurred medical costs and under a tiered premium rate structure that is a higher cost to the district and potentially to the employee as well. The exposure to the insurance companies could be very high as the motivation to seek this retroactive designation would grow with higher incurred medical costs. This in turn will increase the rates paid by OEBB member districts and their employees. It is my belief there needs to be some limitation on the retroactive feature in this clause such as a maximum of six months.
Thank you for your consideration.

Sincererly,
Stuart Ketzler
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