

MIKE KREIDLER  
STATE INSURANCE COMMISSIONER

STATE OF WASHINGTON

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OFFICE OF  
INSURANCE COMMISSIONER

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HEARINGS UNIT  
Fax: (360) 664-2782

Hearings Unit, DIC  
Patricia D. Petersen  
Chief Presiding Officer  
Kelly A. Cairns  
Paralegal  
(360) 725-7002  
KellyC@oic.wa.gov

Patricia D. Petersen  
Chief Presiding Officer  
(360) 725-7105

BEFORE THE STATE OF WASHINGTON  
OFFICE OF INSURANCE COMMISSIONER

In the Matter of	)	Docket No. 13-0233
	)	
<b>COMMUNITY HEALTH PLAN OF WASHINGTON,</b>	)	<b>ORDER GRANTING JOINT MOTION FOR CONTINUANCE</b>
	)	
A Washington Health Care Service Contractor.	)	
	)	

**TO:** Wade Harman, Chief Legal Officer  
Community Health Plan of Washington  
720 Olive Way, Suite 300  
Seattle, WA 98101

Alia Kaneko, Associate General Counsel  
Community Health Plan of Washington  
720 Olive Way, Suite 300  
Seattle, WA 98101

Collin Foulds, Associate General Counsel  
Community Health Plan of Washington  
720 Olive Way, Suite 300  
Seattle, WA 98101

**COPY TO:** Mike Kreidler, Insurance Commissioner  
James T. Odiorne, J.D., CPA, Chief Deputy Insurance Commissioner  
Molly Nollette, Deputy Commissioner, Rates and Forms Division  
AnnaLisa Gellermann, Esq., Deputy Commissioner, Legal Affairs Division  
Charles Brown, Senior Staff Attorney, Legal Affairs Division  
Andrea Philhower, Staff Attorney, Legal Affairs Division  
Office of the Insurance Commissioner  
PO Box 40255  
Olympia, WA 98504-0255

On July 31, 2013, the Insurance Commissioner ("OIC") issued a Disapproval Letter to Community Health Plan of Washington ("CHPW"), disapproving CHPW's 1) H161 Individual



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Health – Major Medical and 2) H161.005A Individual – Preferred Provider filings relative to the new Washington Health Benefits Exchange. The reasons for the OIC's disapprovals are as set forth in the OIC's Disapproval Letter, in materials included in the OIC's online SERFF program and in direct communications between the OIC and CHPW. In response, on August 2, CHPW filed a Request for Hearing, which was filed with the undersigned on August 6, to contest OIC's disapprovals based upon reasons stated therein. Briefly, CHPW contends that 1) its filings comply with federal and state requirements; 2) the OIC has failed to adequately explain or justify its disapprovals; and 3) any deficiencies in CHPW's filings could have been remedied by CHPW had the OIC given CHPW timely notice of the alleged deficiencies in its filings. As remedies, CHPW seeks approval of its subject filings and/or the opportunity to address any alleged deficiencies or omissions therein.

On August 14, 2013, the undersigned held a first prehearing conference in this matter, which included all parties. The OIC was represented by AnnaLisa Gellermann, Esq., the Deputy Commissioner for OIC's Legal Affairs Division, as well as Charles Brown, Senior Staff Attorney, and Andrea Philhower, Staff Attorney, in the OIC's Legal Affairs Division. CHPW was represented by its Chief Legal Officer Wade Harman, Esq., as well as Associate General Counsel Alia Kaneko and Associate General Counsel Collin Foulds. Of significance: 1) the OIC agreed, at the request of CHPW, that it would list its major and minor concerns with CHPW's filings in a separate document as currently they are included in the OIC's Disapproval Letter, in the materials now included in the OIC's SERFF online program, and as expressed in the OIC's communications with CHPW, so that CHPW can best prepare its case; and 2) the parties agreed that this hearing should be held on August 28, 2013. Thereafter, on August 16, 2013 the undersigned entered a Notice of Hearing herein providing notice that the hearing in this matter would commence on August 28, 2013 at 9:00 a.m.; summarized the issues herein; advised that any interested party might attend the hearing either by telephone or in person, providing information including telephone access number about how to participate, the location of the hearing and other relevant telephone, email and fax numbers along with other information concerning the hearing and where to call for further information. This Notice was mailed to the parties on August 16, 2013 and beginning on that same date notice to the public was provided by publishing it on the OIC's website along with CHPW's request for hearing. Subsequently the OIC's July 31, 2013 Disapproval Letter which is the subject of this appeal was published on the OIC's website as well.

On August 28, 2013, the hearing commenced as properly scheduled. The parties presented their opening statements. The parties then orally presented a joint motion for continuance of this matter until August 30, 2013, advising that they were conducting settlement negotiations between themselves which might lead to settlement of this matter. Based upon these grounds, the undersigned granted the parties' motion for continuance.

Based upon the above activity,

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IT IS HEREBY ORDERED that the hearing in this matter is continued to Friday, August 30, 2013 at the hour of 9:00 a.m. Pacific Daylight Time, in the Office of the Insurance Commissioner, 5000 Capitol Blvd., Tumwater, WA.

This written Order confirms that oral order entered by the undersigned during the first day of the hearing in this matter, August 28, 2013.

ENTERED AT TUMWATER, WASHINGTON, this 28<sup>th</sup> day of August, 2013, pursuant to RCW 48.04, Title 34 RCW and regulations applicable thereto.



PATRICIA D. PETERSEN  
Chief Presiding Officer

Declaration of Mailing

I declare under penalty of perjury under the laws of the State of Washington that on the date listed below, I mailed or caused delivery through normal office mailing custom, a true copy of this document to the following people at their addresses listed above:

DATED this 29<sup>th</sup> day of August 2013.

  
KELLY A. CAIRNS