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OFFICE OF  
INSURANCE COMMISSIONER  
HEARINGS UNIT

2013 AUG 16 P 12: 20

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

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Chief Presiding Officer  
Paralegal  
(360) 725-7002  
KellyC@oic.wa.gov

BEFORE THE STATE OF WASHINGTON  
OFFICE OF INSURANCE COMMISSIONER

In the Matter of	)	<b>Docket No. 13-0233</b>
	)	
<b>COMMUNITY HEALTH PLAN OF WASHINGTON,</b>	)	<b>NOTICE OF HEARING</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. Odierno, 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, 2013 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. The undersigned reviewed procedure to be expected at hearing and answered all questions and concerns of the parties. 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. 2) The OIC advised that it would file a motion for determination of the proper burden of proof to be applied in this matter by August 21, and did so on August 15. 3) CHPW agreed that it would file its responsive brief on the burden of proof issue, if it chooses to file a response, on or before August 28, which would allow the undersigned to rule on this issue before the start of the hearing. 4) Further, the parties agreed that this hearing should be held on August 28, 2013. Finally, it is noted that, in order to accommodate CHPW, the OIC has requested that this matter be given an expedited hearing. Accordingly, since this Request for Hearing was filed with the undersigned on August 6, the undersigned has handled this matter on an expedited basis and it will continue to be handled on an expedited basis throughout the proceeding.

The parties are advised that should they have further questions or concerns prior to the hearing date, or to schedule another prehearing conference which would include all parties and the undersigned, they should contact the undersigned's paralegal, Kelly Cairns, at (360)725-7002 or [KellyC@oic.wa.gov](mailto:KellyC@oic.wa.gov).

Accordingly, **YOU ARE HEREBY NOTIFIED that a hearing will be held commencing on Wednesday, August 28, 2013, at 9:00 a.m. Pacific Daylight Time.** The purpose of this hearing, which will include all parties, is to consider whether CHPW's filings should be approved as a qualified health plan for the individual market of the Exchange, or additional time given to CHPW to cure any deficiencies in its proposed plans, or whether the OIC's disapproval of CHPW's filings for the individual market of the Exchange should be upheld.

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The OIC will appear by and through AnnaLisa Gellermann, Deputy Commissioner, Legal Affairs Division, along with Staff Attorneys Charles Brown and Andrea Philhower. Their address is Office of the Insurance Commissioner, Legal Affairs Division, P.O. Box 40255, Olympia, WA 98504-0255. Ms. Gellermann's telephone number is (360) 725-7050; Mr. Brown's is (360) 725-7044; and Ms. Philhower's is (360) 725-7063. Wade Harman, Chief Legal Officer for CHPW, will appear on behalf of CHPW, along with CHPW's Associate General Counsel Alia Kaneko, Esq. and Collin Foulds, Esq.. Their address is 720 Olive Way, Suite 300, Seattle, WA 98101 and Mr. Harman's telephone number is (206) 521-8833.

Patricia D. Peterson, Esq., Presiding Officer, who serves as Chief Presiding Officer for the Office of the Insurance Commissioner, has been designated to hear and determine this matter. Her address is Office of Insurance Commissioner, P.O. Box 40255, Olympia, Washington 98504-0255. Her telephone number is (360) 725-7105. All interested individuals and entities who have questions or concerns concerning this proceeding should direct them to her paralegal, Kelly Cairns, at the same address. Ms. Cairns' telephone number is (360) 725-7002.

The hearing will be held under the authority granted by the Insurance Commissioner under Chapter 48.04 RCW. The basic facts relied upon are those set forth above, which are more specifically included in the OIC's above-referenced disapproval letter and in CHPW's above-referenced Demand for Hearing.

The hearing will be governed by the Administrative Procedure Act, Chapter 34.05 RCW, and the model rules of procedure contained in Chapter 10-08 WAC. All parties may be represented at the hearing. They may examine witnesses and fully respond and present evidence and argument on all issues involved.

As required by RCW 34.05.434(2)(i), you are advised that a party who fails to attend or participate in any stage of the proceeding may be held in default in accordance with Chapter 34.05 RCW.

Pursuant to WAC 10-08-040(2) and in accordance with ch. 2.42 RCW, if a limited English speaking or hearing impaired or speech impaired party or witness needs an interpreter, a qualified interpreter will be appointed. There will be no cost to the party or witness therefore, except as may be provided by ch. 2.42 RCW. A Request for Interpreter form is attached to the original of this Notice, with instructions thereon.

This Notice is provided pursuant to RCW 48.04.010 and RCW 34.05.434.

Based upon the above activity,

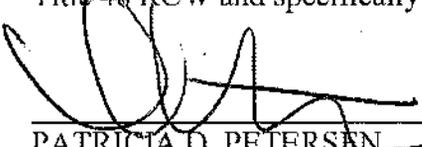
**IT IS HEREBY ORDERED** that the adjudicative proceeding in this matter shall commence on August 28, 2013, at 9:00 a.m. Pacific Daylight Time, continuing on each successive day until terminated, in the Office of the Insurance Commissioner, 5000 Capitol Blvd., Tumwater, WA.

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ENTERED AT TUMWATER, WASHINGTON, this <sup>4h</sup> 16 day of August, 2013, pursuant to Title 48 RCW and specifically RCW 48.04 and 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: Wade Harman, Esq., Alia Kaneko, Esq., Collin Foulds, Esq., Mike Kreidler, James T. Odiorne, Molly Nollette, AnnaLisa Gellermann, Esq., Charles Brown, Esq., and Andrea Philhower, Esq.

DATED this 16<sup>th</sup> day of August, 2013.

  
\_\_\_\_\_  
KELLY A. CAIRNS

**HEARINGS UNIT**  
Fax: (360) 664-2782

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Chief Presiding Officer  
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Hearings@oic.wa.gov

To request an interpreter, complete and mail this form to:

Chief Presiding Officer  
Office of Insurance Commissioner  
P.O. Box 40255  
Olympia, WA 98504-0255

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**REQUEST FOR INTERPRETER**

I am a party or witness in Matter No. 13-0233 before the Insurance Commissioner. I NEED AN INTERPRETER and request that one be furnished.

Please check the statements that apply to you:

I am a non-English-speaking person. I cannot readily speak or understand the English language. My primary language is \_\_\_\_\_ (insert your primary language). I need an interpreter who can translate to and from the primary language and English.

I am unable to readily understand or communicate the spoken English language because:

- I am deaf.
- I have an impairment of hearing.
- I have an impairment of speech.

[Please state below or on the reverse side any details which would assist the Commissioner or Presiding Officer in arranging for a suitable interpreter or in providing appropriate mechanical or electronic amplification, viewing, or communication equipment.]

Date: \_\_\_\_\_

Signed: \_\_\_\_\_

Please print or type your name: \_\_\_\_\_

Address: \_\_\_\_\_

Telephone: \_\_\_\_\_