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OFFICE OF
INSURANCE COMMISSIONER
HEARINGS UNIT

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BEFORE THE STATE OF WASHINGTON
OFFICE OF INSURANCE COMMISSIONER

In the Matter of)	Docket No. 13-0233
)	
COMMUNITY HEALTH PLAN OF WASHINGTON)	ORDER ON PREHEARING CONFERENCE
)	
A Washington Health Care Service Contractor.)	
)	

TO: Wade Harman, Chief Legal Officer
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COPY TO: Mike Kreidler, Insurance Commissioner
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Molly Nollette, Deputy Commissioner, Rates and Forms Division
AnnaLisa Gellermann, Esq., Deputy Commissioner, Legal Affairs Division
Charles Brown, Senior Staff Attorney, Legal Affairs Division
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Office of the Insurance Commissioner
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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



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, CIIPW 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, CIIPW 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 CIIPW, so that CIIPW 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. and advised the public how they could participate in the hearing either by telephone without charge or in person. This Notice was mailed to the parties and provided to the public by publishing it on the OIC's website beginning August 16, 2013 along with the OIC's Disapproval letter and CHPW's Demand for Hearing.

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 by agreement on changed wording in the subject filings and subsequent certification of the plans for the Exchange. On this basis, the undersigned granted the parties' Motion for Continuance as documented in Order Granting Motion for Continuance entered August 28, 2013 and published along with the other pertinent documents.

Subsequently, at the scheduled time for commencement of the hearing on August 30, 2013, CHPW filed Appellant's Withdrawal of Demand for Hearing. The parties advised that they had continued their negotiations as stated as grounds for their Motion for Continuance on August 28, the subject filings have since been approved pending some administrative function, and their settlement agreement would likely be filed by September 3. Because the terms upon which CHPW agreed to withdraw its Demand for Hearing are part of the settlement of this matter, as

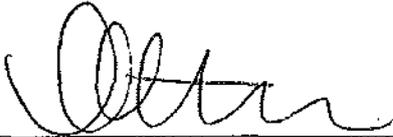
with all adjudicative proceedings in this agency the settlement agreement is made part of the hearing file along with the Withdrawal of Demand for Hearing. Therefore, when both documents have been received and filed, an Order Terminating Proceeding can be entered terminating this proceeding. The OIC has agreed that this proceeding can be terminated without prejudice.

Based upon the above activity,

IT IS HEREBY ORDERED that the hearing in this matter is concluded pending receipt of the parties' settlement agreement herein. Upon receipt and filing of the settlement agreement, the undersigned can enter an Order Terminating Proceeding terminating this matter without prejudice.

This written Order confirms that oral order entered by the undersigned on August 30, 2013.

ENTERED AT TUMWATER, WASHINGTON, this 30th 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 30th day of August 2013.



KELLY A. CAIRNS