



The Association of Washington Healthcare Plans

September 1, 2015

Transmitted electronically to:
rulescoordinator@oic.wa.gov

Jim Freeburg
Special Assistant to the Commissioner
Washington Office of the Insurance Commissioner
P.O. Box 40255
Olympia WA 98504-0255

Re: R 2015-10 Health plan special enrollment rules

Dear Jim,

I am writing on behalf of the members of the Association of Washington Healthcare Plans (AWHP) to provide comments on the Washington Office of the Insurance Commissioner's (OIC) preproposal statement of inquiry regarding health plan special enrollment rules.

We recall that in 2013 the OIC adopted rules implementing open and special enrollment periods for the individual and small group market under the Affordable Care Act. We understand the OIC has received questions from the various stakeholders about how the OIC's existing special enrollment rules regarding special enrollment align with federal guidance issued since then.

Additionally, the OIC has noted that some sections of its existing special enrollment rules paraphrase the federal law in a manner that can be difficult to understand.

Our member healthcare plans appreciate the OIC's stated intent to add the recent federal guidance to the Washington Administrative Code (WAC) and amend some of the WAC existing language to reduce confusion and make it easier for stakeholders to understand and comply with the requirements. Consistent with that aim, we suggest that the OIC distribute an exposure draft to allow for additional input and suggestions from stakeholders.

As part of this rulemaking effort, we urge the OIC not to paraphrase the federal language. Paraphrasing leaves the rule open to interpretation and creates confusion for carriers and consumers, similar to the confusion that exists now as a result of prior paraphrasing. It can also lead to carriers listing similar, but slightly different triggering events in their documents so that all bases are covered from a state and federal perspective. Instead of paraphrasing the triggering events, our preference would be for the OIC to cross-reference federal language so that state law can remain in sync as federal law evolves over time. If however, if it is not feasible to cross-reference federal law in the WACs, we urge that the OIC use the exact same language for triggering events as the federal guidelines. In addition, if the reference to federal guidance is intended to encompass sub-regulatory guidance, we would urge the OIC not to incorporate it into state regulation. It has been our member plans' experience that such sub-regulatory

guidance is volatile and subject to frequent changes and updates, potentially resulting in state rules being out of alignment with increasing frequency as time goes by.

Thank you for the opportunity to provide these comments and recommendations. Please do not hesitate to give me a call with any questions or to discuss.

Sincerely,



Sydney Smith Zvara
Executive Director

Association of Washington Healthcare Plans
7252 Fairway Ave SE, Snoqualmie, WA 98065
Tel: 425-396-5375 Fax 425-396-5372 www.AWHP-Online.com

AWHP is an alliance of licensed Health Maintenance Organizations (HMO), Health Care Service Contractors (HCSC), & Disability Insurers. Its diverse membership is comprised of local, regional, & national healthcare plans of varying size, serving the needs of consumers, employers, & public purchasers. Together, they provide health care coverage to over 6 million residents of Washington State. AWHP members include Aetna, Amerigroup, Cambia Health Solutions, CIGNA, Columbia United Providers, Community Health Plan of WA, Coordinated Care, Group Health Cooperative, Kaiser Permanente, Moda Health, Molina Healthcare, Health Net, Premera Blue Cross, Providence Health Plan, & UnitedHealthcare.