

By e-mail to rulescoordinator@oic.wa.gov

September 4, 2015

Ms. Bianca Stoner
Health Policy Analyst
Policy Division
Office of Insurance Commissioner
P.O. Box 40258
Olympia, WA 98504

Subject: R 2015-10 Health Plan Special Enrollment Rules

Dear Ms. Stoner:

We appreciate the opportunity to comment on the possible changes to special enrollment rules being considered by your office under the referenced preproposal. This letter provides you with our initial suggestions on this subject, and is being submitted on behalf of Premera Blue Cross and LifeWise Health Plan of Washington (herein “the Companies” or “Premera”).

We suggest that, in considering changes, your office take into account the following points:

- In incorporating federal changes, we urge your office to refrain from paraphrasing federal rule language and also from integrating sub-regulatory guidance, which is particularly prone to frequent changes. We believe that incorporating federal requirements either verbatim or by reference will best serve to avoid confusion. Incorporation by reference will also avoid inconsistencies that would otherwise result when federal rules are revised.
- We do support clearing up confusing provisions, particularly if your office proceeds with listing the triggering events in the state regulation. As an example, we have had discussions with your office regarding the implications of current WAC 284-170-425(2)(g), which would allow an individual who is terminated from coverage in the Exchange because of non-payment of premiums to have special enrollment rights into the outside individual market. We understand this was not the intent.
- We also wish to add that we agree with and fully support your stated position that the scope of this proposed rulemaking will not encompass the addition of new special enrollment categories.

We appreciate your announcement that a stakeholder meeting will be held, and a discussion draft of the rule language will be circulated. We intend to participate in the review and discussion and look forward to the opportunity to work with you further on these rule changes. In the meantime, if you have questions, please contact me.

Sincerely,



Waltraut B. Lehmann
Manager, Regulatory Affairs