



PREPROPOSAL STATEMENT OF INQUIRY

CR-101 (June 2004)
(Implements RCW 34.05.310)
Do NOT use for expedited rule making

Agency: Office of the Insurance Commissioner

Subject of possible rule making: Health plan special enrollment rules
Insurance Commissioner Matter No. R 2015-16

Statutes authorizing the agency to adopt rules on this subject: RCW 48.02.060, 48.18.120(2), 48.20.450, 48.44.050 and 48.46.200

Reasons why rules on this subject may be needed and what they might accomplish:
In 2013, the Office of the Insurance Commissioner (“OIC”) adopted rules for open and special enrollment periods for the individual and small group market under the Affordable Care Act. The federal government has since adopted additional guidance that is not in the current rules, and some sections of the OIC’s existing rules paraphrase federal requirements in a manner that can be difficult to understand.
The OIC filed a CR-101 for this rule in July. The scope of the original CR-101 was limited to adding the new guidance and clarifying some existing sections. However, as the OIC has worked on the rule, the agency has identified some additional minor changes that are necessary. (Continued on Attachment A)

Identify other federal and state agencies that regulate this subject and the process coordinating the rule with these agencies:

Process for developing new rule (check all that apply):
 Negotiated rule making
 Pilot rule making
 Agency study
 Other (describe) Submit written comments by: January 4, 2016
To: rulescoordinator@oic.wa.gov
Fax: 360-586-3109

How interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication:
(List names, addresses, telephone, fax numbers, and e-mail of persons to contact; describe meetings, other exchanges of information, etc.)
Bianca Stoner
PO Box 40258, Olympia, WA 98504-0258
rulescoordinator@oic.wa.gov

DATE
November 13, 2015
NAME (TYPE OR PRINT)
Mike Kreidler
SIGNATURE

TITLE
Insurance Commissioner

CODE REVISER USE ONLY
OFFICE OF THE CODE REVISER
STATE OF WASHINGTON
FILED
DATE: November 13, 2015
TIME: 2:55 PM
WSR 15-23-064

Attachment A to R 2015-10 CR 101

Reasons why rules on this subject may be needed and what they might accomplish (continued):

As an example, there are some minor special enrollment issues that aren't included in the original rules, even though they come from federal rules that already existed when the OIC originally wrote these rules. There also is a rule reference in 284-170-412(1) that points to an inapplicable section of a federal rule. Because the scope of the original CR-101 was so narrow, the OIC is filing this new CR-101 so that the agency has the authority to address such additional minor issues.