

**From:** [Waltraut Lehmann](#)  
**To:** [Middleton, Stacy \(OIC\)](#)  
**Cc:** [OIC Rules Coordinator](#)  
**Subject:** CR-101 Emergency powers  
**Date:** Friday, February 05, 2016 11:14:55 AM

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Dear Stacy,

Thank you for the opportunity to comment on the Preproposal Statement of Inquiry regarding OIC Matter R 2015-17 on the subject of the Commissioner's emergency powers. I am responding on behalf of Premera Blue Cross and its affiliated companies (collectively "Premera" or "we").

We will reserve further comment until we have the opportunity to review the draft or proposed rule language. For today, we would like to provide you with some general suggestions for your office's approach. To begin with, we would recommend that you circulate an exposure draft for comment, and that you also consider a stakeholder discussion. Unlike most of the rulemaking on which we comment, this subject is an issue that affects numerous different lines of business; we believe that hearing from such a varied group of insurers will be valuable to identify the most significant issues that should be addressed.

Overall, in the course of rulemaking, we believe the following points need to be taken into consideration:

- As you know, and recent experience has underscored, situations that may result in declaration of a state of emergency can vary widely here in Washington.
- We believe that trying to address, in a rule, specific and detailed factors relating to the varying types of potential emergency situations will become inefficient, speculative, and confusing.
- Therefore, we would encourage you to keep the proposed rulemaking at a high level. We support the concept of setting forth relevant criteria and definitions, as well as overall categories of topics that might be addressed in an emergency. On the other hand, we would urge you to steer away from trying to anticipate too many details.
- Furthermore, we believe that the rulemaking needs to take into account several provisions in existing law that OIC is able to rely on today:
  - The OIC's ability to issue a specific order addressing the specific emergency needs, as set forth in RCW 48.02.060(4) and (5); such orders can be effectively tailored to the facts at hand.
  - The OIC's ability to adopt emergency rulemaking as set forth in subsection (6) of this section, which provides the necessary basis for action at the time and for the purpose it is needed.

Thank you again for contacting us. We look forward to discussing this subject with you and other stakeholders, and working towards a practical approach. If you have questions, please let me know.

*Waltraut*

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