



# RULE-MAKING ORDER

**CR-103P (May 2009)**  
(Implements RCW 34.05.360)

**Agency:** Office of the Insurance Commissioner

**Permanent Rule Only**

**Effective date of rule:**

**Permanent Rules**

31 days after filing.

Other (specify) \_\_\_\_\_ (If less than 31 days after filing, a specific finding under RCW 34.05.380(3) is required and should be stated below)

**Any other findings required by other provisions of law as precondition to adoption or effectiveness of rule?**

Yes  No If Yes, explain:

**Purpose:** This new rule repeals WAC 284-43-970, WAC 284-43-975, WAC 284-43-980 and WAC 284-43-985 relating to child only open enrollment requirements and amends WAC 284-170-420 aligning Washington state open enrollment requirements with federal open enrollment requirements.

Insurance Commissioner Matter No. R 2014-01

**Citation of existing rules affected by this order:**

Repealed: WAC 284-43-970, 284-43-975, 284-43-980 and WAC 284-43-985

Amended: WAC 284-170-420

Suspended:

**Statutory authority for adoption:** RCW 48.02.060, 48.18.120(2), 48.44.050 and 48.46.200.

**Other authority :** 45 CFR Parts 144,146 and 147.

**PERMANENT RULE (Including Expedited Rule Making)**

Adopted under notice filed as WSR 14-03-131 on January 22, 2014.

Describe any changes other than editing from proposed to adopted version:

If a preliminary cost-benefit analysis was prepared under RCW 34.05.328, a final cost-benefit analysis is available by contacting:

Name: \_\_\_\_\_ phone \_\_\_\_\_

Address: \_\_\_\_\_ fax \_\_\_\_\_

e-mail \_\_\_\_\_

**Date adopted:**

March 25, 2014

**NAME (TYPE OR PRINT)**

Mike Kreidler

**SIGNATURE**

**TITLE**

Insurance Commissioner

**CODE REVISER USE ONLY**

OFFICE OF THE CODE REVISER  
STATE OF WASHINGTON  
FILED

**DATE: March 26, 2014**

**TIME: 6:56 AM**

**WSR 14-08-036**

**Note: If any category is left blank, it will be calculated as zero.  
No descriptive text.**

**Count by whole WAC sections only, from the WAC number through the history note.  
A section may be counted in more than one category.**

**The number of sections adopted in order to comply with:**

<b>Federal statute:</b>	New	Amended	Repealed
<b>Federal rules or standards:</b>	New	Amended <u>1</u>	Repealed <u>4</u>
<b>Recently enacted state statutes:</b>	New	Amended	Repealed

**The number of sections adopted at the request of a nongovernmental entity:**

New \_\_\_\_\_ Amended \_\_\_\_\_ Repealed \_\_\_\_\_

**The number of sections adopted in the agency's own initiative:**

New \_\_\_\_\_ Amended \_\_\_\_\_ Repealed \_\_\_\_\_

**The number of sections adopted in order to clarify, streamline, or reform agency procedures:**

New \_\_\_\_\_ Amended \_\_\_\_\_ Repealed \_\_\_\_\_

**The number of sections adopted using:**

<b>Negotiated rule making:</b>	New _____	Amended _____	Repealed _____
<b>Pilot rule making:</b>	New _____	Amended _____	Repealed _____
<b>Other alternative rule making:</b>	New	Amended <u>1</u>	Repealed <u>4</u>

**WAC 284-170-420 Individual market open enrollment requirements.**

(1) For purposes of this section, "open enrollment" means a specific period of time each year during which enrollment in a health benefit plan is permitted. This section applies to plans offered in the individual market.

(2) An issuer must limit the dates for enrollment in plans offered on the individual market off the health benefit exchange to the same time period for open enrollment established by the health benefit exchange.

~~(3) ((In addition to the open enrollment period established by the exchange, an issuer participating in the off exchange individual market must hold an open enrollment period between March 15th and April 30th each year, making its child only policies available to those under age nineteen.~~

~~(4))~~ An issuer must prominently display information on its web site about open enrollment periods and special enrollment periods applicable to its plans offered either on or off the health benefit exchange.

(a) The web site information about enrollment periods must provide a consumer with the ability to access or request and receive an application packet for enrollment at any time.

(b) The displayed information must include details written in plain language explaining what constitutes a qualifying event for special enrollment.

~~((5))~~ (4) Written notice of open enrollment must be provided to enrolled persons at some point between September 1st and September 30th of each year.

REPEALER

The following sections of the Washington Administrative Code are repealed:

WAC 284-43-970	Purpose and scope.
WAC 284-43-975	Definitions.
WAC 284-43-980	Preexisting conditions.
WAC 284-43-985	Enrollment of persons under age nineteen.