

# Access to Behavioral Health Services Grant - Market Conduct

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For the Office of the Insurance Commissioner's (OIC) CMS/CCIIO Access to Behavioral Health Services Grant, the Market Conduct Oversight unit will support OIC's Policy and Legislative Affairs Division by completing two market scans to gather data from the health carriers. Market Conduct Oversight is governed by Chapter 48.37 RCW and allows the OIC to investigate the business practices of carriers operating in Washington. The statute provides several tools to undertake investigations. One of those tools is to conduct data calls (market scan) per RCW 48.37.040 (3(a)). The purpose of a data call is to obtain information about a specific segment of the insurance market to determine if there are issues that need to be addressed. All information obtained in a data call under RCW 48.37.040 is considered confidential and is not subject to public disclosure per RCW 48.37.080. OIC can release the results in the aggregate, provided we take steps to remove any information that could potentially identify an individual carrier.

The Washington statute closely follows the model law adopted by the National Association of Insurance Commissioners (NAIC). The model law set up the parameters to allow state insurance departments to create their own Market Conduct process, either by adopting the model law as written or adjusting it to meet each state's existing laws and regulations. In Washington, we use the Continuum of Regulatory Responses which allows the OIC to conduct targeted inquiries with carriers versus doing a full Market Conduct Examination.