Agency: Office of the Insurance Commissioner

Effective date of rule:
   Permanent Rules
   ☒ August 1, 2020 (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?
   ☒ No

Purpose:
   To increase consumer awareness of available agency assistance and to help consumers with their insurance questions by requiring contact information for the Office of the Insurance Commissioner on adverse notifications. Insurance Commissioner Matter Number R 2019-09

Citation of rules affected by this order:
   New: WAC 284-30-770
   Repealed:
   Amended:
   Suspended:

Statutory authority for adoption:
   RCW 48.02.060, RCW 48.18.545, RCW 48.19.035, RCW 48.43.525 and RCW 48.43.535

Other authority:

PERMANENT RULE (Including Expedited Rule Making)
   Adopted under notice filed as WSR 19-15-133 on July 23, 2019 (date).
   Describe any changes other than editing from proposed to adopted version: None.

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

   Name: David Forte
   Address: PO Box 40260, Olympia, WA. 98504-0260
   Phone: 360-725-7042
   Fax:
   TTY:
   Email: DavidF@oic.wa.gov
   Web site:
   Other:
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:

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<thead>
<tr>
<th>Category</th>
<th>New</th>
<th>Amended</th>
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<tbody>
<tr>
<td>Federal statute</td>
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<td>Federal rules or standards</td>
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<td>Recently enacted state statutes</td>
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The number of sections adopted at the request of a nongovernmental entity:

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The number of sections adopted on the agency’s own initiative:

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

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The number of sections adopted using:

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<tr>
<td>Pilot rule making</td>
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<tr>
<td>Other alternative rule making</td>
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</table>

Date Adopted: January 16, 2020

Name: Mike Kreidler

Title: Insurance Commissioner

Signature: [Signature]

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WAC 284-30-770 Adverse notification requirements. (1) This section applies to all insurers, fraternal benefit societies, health carriers including disability, health maintenance organizations (HMOs), health care service contractors (HCSCs), and limited licensed carriers, and to all insurance policies, health plans, and insurance contracts.

(2) For the purpose of this section only the term "Adverse notification" means a notice, statement, or document from an insurer, fraternal benefit societies, health carriers including disability, HMOs, HCSCs, and limited licensed carriers to their insured, or enrollee, or both, describing one or more of the following:

(a) A claim denial;
(b) A final claim payment for less than the amount of the claim submitted. This does not include a claim that is paid less than the original amount to reflect the contracted health care provider's rate;
(c) An adverse benefit determination as defined in RCW 48.43.005(2); and
(d) Rescission, cancellation, termination or nonrenewal of a policy unless initiated by an insured. This does not apply to the end of a scheduled policy term or cancellation due to nonpayment of premium.

(3) On each adverse notification provided, the notice must include the following information:

"If you have questions or concerns about the actions of your insurance company or agent, or would like information on your rights to file an appeal, contact the Washington state Office of the Insurance Commissioner's consumer protection hotline at 1-800-562-6900 or visit www.insurance.wa.gov. The insurance commissioner protects and educates insurance consumers, advances the public interest, and provides fair and efficient regulation of the insurance industry."

(4) The notice specified in subsection (3) of this section must be in the same font type and not less than the font size of the majority of the notification. This notice must appear on the first page, at the end of the adverse notification, or where this notice currently exists if adverse notices are already provided to insureds.