



PREPROPOSAL STATEMENT OF INQUIRY

CR-101 (October 2017)
(Implements RCW 34.05.310)

Do **NOT** use for expedited rule making

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STATE OF WASHINGTON
FILED

DATE: June 17, 2025

TIME: 2:49 PM

WSR 25-13-098

Agency: Office of the Insurance Commissioner

Insurance Commissioner Matter 2025-02

Subject of possible rule making: Adjusting health carrier rate development components for individual and small group health plan years beginning in plan year 2027.

Statutes authorizing the agency to adopt rules on this subject: RCW 48.02.060; RCW 48.44.050; RCW 48.46.200; RCW 48.43.733

Reasons why rules on this subject may be needed and what they might accomplish: Under current federal law, tax credits that lower health insurance costs for certain Washington consumers (known as enhanced advance premium tax credits or eAPTCs) will become unavailable beginning in plan year 2026. In plan year 2025, the eAPTCs are benefiting approximately 200,000 eligible consumers who purchase qualified health plans (QHPs) through the Washington Health Benefit Exchange (HBE).

On March 10, 2025, the Office of the Insurance Commissioner (OIC) adopted an emergency rule that sets standards for health carrier individual and small group health plan rate development components for plan year 2026 [<https://www.insurance.wa.gov/sites/default/files/2025-03/cr-103e-to-r-2025-01.pdf>]. The goal of this emergency rule was to keep health insurance premiums affordable for up to 80,000 consumers who are at risk of losing health insurance in plan year 2026 due to the expiration of eAPTCs on December 31, 2025.

OIC is considering rulemaking to preserve health insurance affordability for consumers, ensure that affected entities understand rate development requirements for plan years beginning in 2027, and make uniform rate-development standards that preserve a level playing field among issuers and foster transparency and healthy competition in the market.

OIC may amend Chapter 284-43 WAC to accomplish this goal.

Identify other federal and state agencies that regulate this subject and the process coordinating the rule with these agencies: OIC regulates individual and small group market health plans. This rulemaking would affect those markets. In addition:

- The HBE certifies QHPs to be sold on *Washington Healthplanfinder*. *Washington Healthplanfinder* is Washington state's online health insurance marketplace through which eligible consumers enroll in QHPs and determine whether they are eligible to benefit from APTCs. OIC will coordinate with HBE regarding this potential rulemaking.
- The federal Centers for Medicare & Medicaid Services (CMS) is responsible for implementation of the Affordable Care Act (ACA), including regulations related to individual and small group market health plans and state-based exchanges (including HBE).
- As of this CR-101's filing date, federal legislation, if enacted, and federal rules, if adopted, could affect this rulemaking, including Congress potentially appropriating funds for cost-sharing reduction (CSR) payments. OIC will consider any changes to federal law that may affect this rulemaking.

Process for developing new rule (check all that apply):

- ☐ Negotiated rule making
☐ Pilot rule making
☐ Agency study
☒ Other (describe) Please submit comments by July 17, 2025.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting:

	(If necessary)
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Other:	Other:

Additional comments:

Date: June 17, 2025

Name: Patty Kuderer

Title: Insurance Commissioner

Signature:

