

BEFORE THE STATE OF WASHINGTON
OFFICE OF INSURANCE COMMISSIONER

FILED

In the Matter of)

WASHINGTON TECHNOLOGY)
INDUSTRY ASSOCIATION,)

Applicant.)

Docket No. 15-0290

2015 DEC 17 A 11: 37

NOTICE OF HEARING

HEARINGS UNIT
OFFICE OF
INSURANCE COMMISSIONER

TO: Maren R. Norton
Stoel Rives LLP
600 University Street, Suite 3600
Seattle, WA 98101

COPY TO: Mike Kreidler, Insurance Commissioner
James T. Odiorne, J.D., CPA, Chief Deputy Insurance Commissioner
Doug Hartz, Deputy Commissioner, Company Supervision Division
AnnaLisa Gellermann, Deputy Commissioner, Legal Affairs Division
Darryl Colman, Insurance Enforcement Specialist, Legal Affairs Division
Chuck Brown, Sr. Insurance Enforcement Specialist, Legal Affairs Division
Office of the Insurance Commissioner
PO Box 40255
Olympia, WA 98504-0255

This Notice is provided pursuant to RCW 48.04.010 and RCW 34.05.434.

On November 20, 2015, Washington Technology Industry Association (“WTIA”), a non-profit industry trade association serving the technology industry and business community, requested a hearing to contest the Office of the Insurance Commissioner’s (“OIC’s”) denial of both its initial and resubmitted application under RCW Ch. 48.125 to operate a self-funded multiple employer welfare arrangement (MEWA), to provide health care services to its members’ employees and dependents. WTIA argues that OIC’s denial is erroneous for several reasons, including:

- Neither the statutory language nor legislative history behind RCW Ch. 48.125 supports OIC’s position that RCW Ch. 48.125 provides for only grandfathered approval and regulation of then-operating self-funded MEWA (i.e., as of April 1, 2005). Rather, WTIA argues that the statute anticipated that applications to form new MEWAs would be filed post-April 1, 2005;
- WTIA’s resubmitted application is not deficient or incomplete as OIC claims. Given the OIC has no prescribed application form available, WTIA argues that it filed an application that tracked all of the requirements under RCW 48.125.050; and

- The OIC's decision to reject WTIA's application to operate a MEWA deprives thousands of Washington residents of the opportunity to access more affordable and comprehensive health care services for themselves and their families.

On December 15, 2015, the undersigned held a first prehearing conference. The OIC was represented by Darryl Colman, Staff Attorney, and Chuck Brown, Senior Staff Attorney, of the OIC's Legal Affairs Division. Attorney Maren R. Norton, of Stoel Rives LLP, represented WTIA.

After considering the views of the Parties, I enter the following Order:

By January 22, 2016, the parties shall serve and file dispositive Motions. By February 5, 2016, the parties shall serve and file Responses to such Motions. By February 12, 2016, the parties shall serve and file Replies to such Responses. The parties may request oral argument after submission of the briefs. If no oral argument is requested, I expect to rule without oral argument as soon as possible after briefing is complete.

Assuming this matter is not resolved based upon the dispositive Motions, a hearing will be held at the Office of the Insurance Commissioner, 5000 Capitol Blvd., Tumwater, WA, beginning on March 3, 2016, at 9:00 a.m., Pacific Standard Time. The hearing is expected to require less than one day, but will continue until completed. The purpose of the hearing is to consider whether the OIC's denial of WTIA's application to operate a self-funded MEWA was erroneous.

By February 25, 2016, the parties shall exchange copies of witness and exhibit lists, briefs and any other documents they expect to offer into evidence at the evidentiary hearing. Any witness and exhibit lists, briefs and documents so provided shall also be provided to the Hearings Unit at the address below.

The hearing will be governed by the Administrative Procedure Act, Chapter 34.05 RCW, and the model rules of procedure contained in Chapter 10-08 WAC. All parties may be represented and may examine witnesses, respond, and present evidence and argument on all relevant issues.

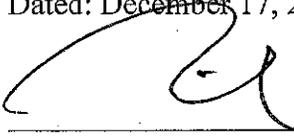
A party who fails to attend or participate in the hearing or another stage of this proceeding may be held in default in accordance with Chapter 34.05 RCW. *See*, RCW 34.05.434(2)(i).

William Pardee, Presiding Officer, has been designated by the Insurance Commissioner to hear and determine this matter. The hearing will be held under the authority granted by the Insurance Commissioner under Chapter 48.04 RCW.

Pursuant to WAC 284-02-070(1)(c), accommodation will be made for persons needing assistance due to difficulty with language or disability. Further, pursuant to WAC 10-08-040(2) and in accordance with Ch. 2.42 RCW, if a limited English speaking or hearing impaired or speech impaired party or witness needs an interpreter, a qualified interpreter will be appointed. There will be no cost to the party or witness therefore, except as may be provided by Ch. 2.42 RCW. A Request for Accommodation form, with instructions, is attached to the original of this Notice.

All case related documents and correspondence shall be directed to the Hearings Unit, Office of Insurance Commissioner, P.O. Box 40255, Olympia, Washington 98504-0255. All interested individuals and entities who have questions or concerns concerning this proceeding should direct them to the Hearings Unit paralegal, Dorothy Seabourne-Taylor, at the same address. Ms. Seabourne-Taylor's telephone number is (360) 725-7002.

Dated: December 17, 2015.

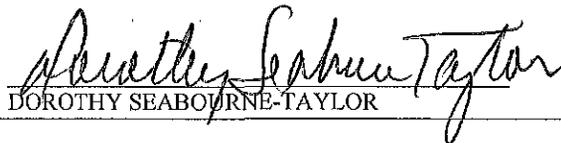


WILLIAM PARDEE
Presiding Officer

Declaration of Mailing

I declare under penalty of perjury under the laws of the State of Washington that on the date listed below, I mailed or caused delivery through normal office mailing custom, a true copy of this document to the following people at their addresses listed above: Maren R. Norton, Mike Kreidler, James T. Odiorne, J.D., CPA, Doug Hartz, AnnaLisa Gellermann, Darryl Colman, and Chuck Brown.

DATED this 17th day of December, 2015.



DOROTHY SEABOURNE-TAYLOR

OFFICE OF INSURANCE COMMISSIONER
HEARINGS UNIT
Fax: (360) 664-2782

To request an interpreter, complete and mail this form to:

Presiding Officer
Hearings Unit
Office of Insurance Commissioner
P.O. Box 40255
Olympia, WA 98504-0255

REQUEST FOR ACCOMMODATION FOR LANGUAGE OR DISABILITY

I am a party in Matter No. _____ before the Insurance Commissioner.

I request accommodation for the following disability (insert your disability):

I request an interpreter for myself or a witness who will be testifying at the evidentiary hearing.

Please check the statements that apply:

I am a non-English-speaking person and cannot readily speak or understand the English language. My primary language is _____ (insert your primary language). I need an interpreter who can translate to and from the primary language and English.

I am unable to readily understand or communicate the spoken English language because:

- I am deaf.
- I have an impairment of hearing.
- I have an impairment of speech.

[Please state below or on the reverse side any details which would assist the Commissioner or Presiding Officer in arranging for a suitable accommodation for your disability, an interpreter or in providing appropriate mechanical or electronic amplification, viewing, or communication equipment.]

Date: _____

Signed: _____

Please print or type your name: _____

Address: _____

Telephone: _____