



PREPROPOSAL STATEMENT OF INQUIRY

CR-101 (June 2004)
(Implements RCW 34.05.310)
Do **NOT** use for expedited rule making

Agency: Office of the Insurance Commissioner

Subject of possible rule making: Health plan special enrollment rules
Insurance Commissioner Matter No. R 2015-10

Statutes authorizing the agency to adopt rules on this subject: RCW 48.02.060, 48.18.120(2), 48.20.450, 48.44.050 and 48.46.200

Reasons why rules on this subject may be needed and what they might accomplish:

In 2013, the Office of the Insurance Commissioner (“OIC”) adopted rules implementing open and special enrollment periods for the individual and small group market under the Affordable Care Act.

Since then, the agency has received questions from health carriers, producers, consumer groups, the Health Benefit Exchange (“Exchange”) and others about how the OIC’s existing rules regarding special enrollment align with guidance that the federal government has adopted since the OIC finished its enrollment rule in 2013.

In addition, some sections of the OIC’s existing special enrollment rules paraphrase the federal law in a manner that can be difficult to understand. Revising this language would make it easier for stakeholders to understand and comply with the requirements.

Overall, adding the recent federal guidance to the WACs and amending some of the existing language in the WACs will reduce confusion and make it easier for carriers, consumers, and others to find and comply with these requirements.

Identify other federal and state agencies that regulate this subject and the process coordinating the rule with these agencies:

The Exchange doesn’t regulate the special enrollment rules, but it does use them to decide whether to allow consumers to go on health plans outside of the regular open enrollment period. As a result, the Exchange is an important stakeholder in regard to this process, and the OIC will work closely with them in implementing these rules.

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

Negotiated rule making
 Pilot rule making
 Agency study
 Other (describe) Submit written comments by: September 4, 2015

To: rulescoordinator@oic.wa.gov
Fax: 360-586-3109

How interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication:
(List names, addresses, telephone, fax numbers, and e-mail of persons to contact; describe meetings, other exchanges of information, etc.)

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DATE
July 17, 2015

NAME (TYPE OR PRINT)
Mike Kreidler

SIGNATURE

TITLE
Insurance Commissioner

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