

Overview of R 2015-16: Health plan special enrollment rules

In 2013, the Office of the Insurance Commissioner (“OIC”) adopted rules for open and special enrollment periods for the individual and small group market under the Affordable Care Act. The federal government has since adopted additional guidance that is not in the current rules, and some sections of the OIC’s existing rules paraphrase federal requirements in a manner that can be difficult to understand.

The OIC filed a CR-101 in July, and this proposed rulemaking was labeled R 2015-10.

The scope of the original CR-101 was limited to adding the new guidance and clarifying some existing sections to make them easier to understand. However, as the OIC has worked on the rule, the agency has identified some additional minor changes that may be necessary.

As an example, there are some minor special enrollment issues that aren’t included in the original rules, although they come from federal rules that already existed when the OIC originally wrote these rules. As another example, there’s a rule reference in WAC 284-170-412(1) that points to an inapplicable section of a federal rule.

Because the scope of the original CR-101 was so narrow, the OIC needed to file a new CR-101 in order to have the authority to address such additional minor issues. With the new CR-101, this proposed rulemaking now has a new number: R 2015-16.

Stakeholder input

- Stakeholders are welcome to submit written comments on this proposed rulemaking to Bianca Stoner at the OIC Rules Coordinator mailbox (rulesc@oic.wa.gov)
- In addition, the OIC will hold a stakeholder meeting at the OIC headquarters building in Tumwater in 2016. Closer to the meeting date, the OIC will announce the date and time of the meeting and will share a stakeholder draft through the GovDelivery listserv and on the webpage for this proposed rule.

Anticipated date the proposed rule will go into effect: In 2016