



# 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 2015-16

**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 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 for this rule in July. The scope of the original CR-101 was limited to adding the new guidance and clarifying some existing sections. However, as the OIC has worked on the rule, the agency has identified some additional minor changes that are necessary. (Continued on Attachment A)

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

**Process for developing new rule (check all that apply):**  
 Negotiated rule making  
 Pilot rule making  
 Agency study  
 Other (describe) Submit written comments by: January 4, 2016  
To: [rulescoordinator@oic.wa.gov](mailto: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.)  
Bianca Stoner  
PO Box 40258, Olympia, WA 98504-0258  
[rulescoordinator@oic.wa.gov](mailto:rulescoordinator@oic.wa.gov)

**DATE**  
November 13, 2015  
**NAME (TYPE OR PRINT)**  
Mike Kreidler  
**SIGNATURE**  
  
**TITLE**  
Insurance Commissioner

**CODE REVISER USE ONLY**  
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**DATE: November 13, 2015**  
**TIME: 2:55 PM**  
**WSR 15-23-064**

## Attachment A to R 2015-10 CR 101

### Reasons why rules on this subject may be needed and what they might accomplish (continued):

As an example, there are some minor special enrollment issues that aren't included in the original rules, even though they come from federal rules that already existed when the OIC originally wrote these rules. There also is a rule reference in 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 is filing this new CR-101 so that the agency has the authority to address such additional minor issues.