



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: Special enrollment rules: Expanded Health Benefit Exchange request
Insurance Commissioner Matter No. R 2016-21

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 May 2016, the OIC filed Rule 2016-13 announcing its intent to change the deadline for consumers to apply through special enrollment for health plans sold on the Washington Health Benefit Exchange (Exchange). The Exchange asked the OIC to make this change, because although [45 CFR 155.420](#) allows a special enrollment deadline as early as the 15th, the existing state regulation ([WAC 284-43-1140](#)) says that the special enrollment deadline can't be earlier than the 20th.

After learning that the Exchange hopes to change the enrollment deadline to the 15th, some issuers asked the OIC to expand the scope of the rulemaking to give issuers the right to make the same change. This CR-101 is in response to that request.

[See Appendix 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: September 16, 2016

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.)

Bianca Stoner
PO Box 40258, Olympia, WA 98504-0260
rulescoordinator@oic.wa.gov

DATE
July 29, 2016

NAME (TYPE OR PRINT)
Mike Kreidler

SIGNATURE

TITLE
Insurance Commissioner

CODE REVISER USE ONLY

OFFICE OF THE CODE REVISER
STATE OF WASHINGTON
FILED

DATE: July 29, 2016
TIME: 4:20 PM
WSR 16-16-091

Appendix A

Under this CR-101, the OIC will pursue a rule change to give both the Exchange and issuers the option of using a special enrollment deadline as early as the 15th for coverage that starts the first day of the next month.

In addition to changing the deadline for special enrollment, the Exchange also intends to move the deadline for open enrollment from the 23rd to the 15th, and it's possible that issuers might follow in the Exchange's lead. Under existing laws and regulations, the Exchange and issuers already have the right to make this change now, if they want; this does not require an OIC rule change.