



Mike Kreidler- Insurance commissioner

As required by

The Washington State Administrative Procedures Act

Chapter 34.05 RCW

Matter No. **R 2021-21**

**CONCISE EXPLANATORY STATEMENT; RESPONSIVENESS
SUMMARY; RULE DEVELOPMENT PROCESS; AND
IMPLEMENTATION PLAN**

Relating to the adoption of

**Technical amendment to WAC 284-43-8130: Association health plan
compliance with statutory or regulatory changes**

October 29, 2021

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Section 1: Introduction

Revised Code of Washington (RCW) 34.05.325 (6) requires the Office of Insurance Commissioner (OIC) to prepare a “concise explanatory statement” (CES) prior to filing a rule for permanent adoption. The CES shall:

1. Identify the Commissioner's reason's for adopting the rule;
2. Describe differences between the proposed rule and the final rule (other than editing changes) and the reasons for the differences;
3. Summarize and respond to all comments received regarding the proposed rule during the official public comment period, indicating whether or not the comment resulted in a change to the final rule, or the Commissioner's reasoning in not incorporating the change requested by the comment; and
4. Be distributed to all persons who commented on the rule during the official public comment period and to any person who requests it.

Section 2: Reasons for Adopting the Rule

The existing language in WAC 284-43-8130 includes an outdated reference to a WAC section that was recodified, so that reference needs to be replaced with the updated WAC section number.

Section 3: Rule Development Process

On August 17, 2021, the OIC filed an Expedited Rule Making notice (CR-105) to begin formal rulemaking.

On October 28, 2021, the OIC filed the CR-103P to adopt these rules, which become effective on November 28, 2021.

Section 4: Differences Between Proposed and Final Rule

There are no differences between the CR-105 proposed published rule text and the final CR-103P adopted text.

Section 5: Responsiveness Summary

The OIC received no comments or suggestions regarding this rule.

Section 6: Implementation Plan

A. Implementation and enforcement of the rule.

The OIC intends to implement the rule through the Rates, Forms and Provider Networks Division. And the OIC intends to enforce the rule through the Legal

Affairs and Company Supervision Divisions. OIC staff will continue to work with association health plan issuers and interested parties in complying with the requirements of the rule.

B. How the Agency intends to inform and educate affected persons about the rule.

After the agency files the permanent rule and adopts it with the Office of the Code Reviser:

- Policy and Legislation Division staff will distribute the final rule and the Concise Explanatory Statement (CES) to all interested parties by posting and sharing the documents through the OIC’s standard rule making listserv.
- The Rules Coordinator will post the CR-103P documents on the OIC’s website.
- OIC staff will address questions as follows:

Type of Inquiry	Division
Consumer assistance	None
Rule content	Rates, Forms and Provider Networks Division
Authority for rules	Policy and Legislation Division
Enforcement of rule	Legal Affairs Division and Company Supervision Division
Market Compliance	Rates, Forms and Provider Networks Division

C. How the Agency intends to promote and assist voluntary compliance for this rule.

- Policy and Legislation Division staff will distribute the final rule and the Concise Explanatory Statement (CES) to all interested parties by posting and sharing the documents through the OIC’s standard rule making listserv.
- The Rules Coordinator will post the CR-103P documents on the OIC’s website.

D. How the Agency intends to evaluate whether the rule achieves the purpose for which it was adopted.

The OIC will monitor filings to ensure all association health plan issuers are meeting the applicable requirements.