



Mike Kreidler- Insurance commissioner

As required by

The Washington State Administrative Procedures Act

Chapter 34.05 RCW

Matter No. **R 2021-13**

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

Relating to the adoption of

**Student Health Plans**

**November 19, 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 reasons 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 Commissioner is adopting rules to amend existing rules as necessary to implement Chapter 53, Laws of 2021 (House Bill 1009), ensure existing regulations comply with the requirement of this legislation regarding student health plan coverage, and make technical corrections.

## **Section 3: Rule Development Process**

The OIC filed a preproposal statement of inquiry (CR-101) to begin formal rulemaking on July 7, 2021. The CR-101 comment period was open until September 1, 2021.

The OIC released the stakeholder draft on July 8, 2021, and held a stakeholder meeting on August 6, 2021.

On October 4, 2021, the OIC filed a CR-102, and the public hearing was scheduled for November 9, 2021.

The OIC held the public hearing on November 9, 2021. Comments on the CR-102 were also due on November 9, 2021.

## **Section 4: Differences Between Proposed and Final Rule**

There are no differences between the proposed and adopted versions.

## **Section 5: Responsiveness Summary**

The OIC received one comment regarding this rule. The following information contains a summary of the comment, and the OIC's response to the comment.

The OIC received the comment from Planned Parenthood.

## Stakeholder Comments to the CR-101, stakeholder drafts and CR-102

Comment	Response
We support the approach taken in this stakeholder draft, which adds student health plans to existing requirements and thereby subjects student health plans to the same rules as other health plans, as intended by HB 1009. This approach will help ensure that people covered by student health plans won't have to go without basic reproductive health care and put their future at risk just because the care they need isn't covered by their insurance.	The Commissioner appreciates the comments.

## 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 enforce the rule through the Legal Affairs Division. OIC staff will continue to work with carriers 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-103 documents on the OIC's website.
- Public Affairs Division staff will update the applicable OIC webpages, as well as put out a news release and social media notices once the rule takes effect.
- OIC staff will address questions as follows:

Type of Inquiry	Division
Consumer assistance	Consumer Protection
Rule content	Policy and Legislation
Authority for rules	Policy and Legislation

<b>Enforcement of rule</b>	Legal Affairs
<b>Market Compliance</b>	Rates, Forms and Provider Networks; Company Supervision

**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-103 documents on the OIC's website.
- Rates, Forms and Provider Networks will include notice of the requirement for coverage on the Student Health Plan checklist.

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

The Rates, Forms and Provider Networks Division will assess, on an ongoing basis, whether student health plan filings are compliant.

**Appendix A**

**CR-102 Hearing Summary**

**Summarizing Memorandum**

**To: Mike Kreidler  
Insurance Commissioner**

**From: Shari Maier  
Presiding Official, Hearing on Rule-making**

**Matter No. R2021-13**

**Topic of Rule-making: Student Health Plans**

This memorandum summarizes the hearing on the above-named rule making, held on November 9, 2021, in Olympia, Washington via a virtual meeting over which I presided in your stead.

The hearing began at 3:34 p.m.

The following agency personnel were present: Sharon Daniel and Jesse Wolff.

**In attendance:**

Michelle Baird  
Frankie Kaiser  
Mario Villanueva  
Thalia Cronin  
Lei Villanueva  
Mary Tedders-Young  
Adrienne Joyce

**Contents of the presentations made at hearing:** No testimony was presented.

**The hearing was adjourned.**

*SIGNED this 12th day of November, 2021.*

*s/  
Shari Maier, Presiding Official*