



**NOTICE OF REQUEST FOR ATTORNEY GENERAL'S OPINION  
WASHINGTON ATTORNEY GENERAL**

The Washington Attorney General issues formal published opinions in response to requests by the heads of state agencies, state legislators, and county prosecuting attorneys. When it appears that individuals outside the Attorney General's Office have information or expertise that will assist in the preparation of a particular opinion, a summary of that opinion request will be published in the state register. If you are interested in commenting on a request listed in this volume of the register, you should notify the Attorney General's Office of your interest by December 26, 2001. This is not the due date by which comments must be received. However, if you do not notify the Attorney General's Office of your interest in commenting on an opinion request by this date, the opinion may be issued before your comments have been received. You may notify the Attorney General's Office of your intention to comment by calling (360) 664-3027, or by writing to the Solicitor General, Office of the Attorney General, P.O. Box 40100, Olympia, Washington 98504-0100. When you notify the office of your intention to comment, you will be provided with a copy of the opinion request in which you are interested; information about the Attorney General's Opinion process; information on how to submit your comments; and a due date by which your comments must be received to ensure that they are fully considered.

The Attorney General's Office seeks public input on the following opinion request(s).

**01-11-01 Request by Mike Kreidler,  
State Insurance Commissioner**

**1. Does OIC (office of insurance commissioner) have authority to regulate whether a carrier may charge the enrollee/employee who desires prescription contraceptive coverage for the coverage and the authority to regulate the amount of such charge? 2. May OIC require that a carrier recover the cost of a conscientiously objecting employer's enrollee/employees' prescription contraceptive coverage by including that cost as an administrative expense component in its rate setting actuarial analysis rather than charging a separate amount to each enrollee/employee who desires the coverage? Or does the carrier have the right to charge each enrollee/employee who desires the coverage for the cost of that coverage? 3. If carriers have the right to charge each enrollee/employee for the cost of their prescription contraceptive coverage, can OIC prohibit any such charge until and unless the carrier establishes that the total revenue from its charges to individual enrollees for such coverage exceeds its total costs from imposing and collecting such individual sums? 4. If carriers have the right to charge each enrollee/employee the cost of their prescription contraceptive coverage, does OIC have the authority to: (a) disapprove a charge to enrollee/employees unless it is supported by appropriate and sufficient actuarial data and analysis establishing the need for and amount of such charge? (b) disapprove a charge to enrollee/employees unless it reaches the actuarial level of certainty necessary to support and justify a rate increase by the charging health carrier? (c) where the cost to a carrier of providing coverage of prescription contraceptives to the enrollee/employees of its conscientiously objecting employer/purchasers is sufficiently de minimis as to not justify a rate increase for that carrier, may OIC prohibit the carrier from charging each enrollee/employee the cost of their prescription contraceptive coverage?**