

WSR 14-03-131
EXPEDITED RULES
OFFICE OF
INSURANCE COMMISSIONER

[Insurance Commissioner Matter No. R 2014-01—Filed January 22, 2014,
8:59 a.m.]

Title of Rule and Other Identifying Information: Repeal of child only open enrollment requirements.

NOTICE

THIS RULE IS BEING PROPOSED UNDER AN EXPEDITED RULE-MAKING PROCESS THAT WILL ELIMINATE THE NEED FOR THE AGENCY TO HOLD PUBLIC HEARINGS, PREPARE A SMALL BUSINESS ECONOMIC IMPACT STATEMENT, OR PROVIDE RESPONSES TO THE CRITERIA FOR A SIGNIFICANT LEGISLATIVE RULE. IF YOU OBJECT TO THIS USE OF THE EXPEDITED RULE-MAKING PROCESS, YOU MUST EXPRESS YOUR OBJECTIONS IN WRITING AND THEY MUST BE SENT TO Donna Dorris, Office of the Insurance Commissioner, P.O. Box 40258, Olympia, WA 98504-0258, e-mail rulescoordinator@oic.wa.gov, AND RECEIVED BY March 25, 2014.

Purpose of the Proposal and Its Anticipated Effects, Including Any Changes in Existing Rules: The repeal of WAC 284-43-970, 284-43-975, 284-43-980, and 284-43-985 and amendment of WAC 284-170-420 aligns Washington state open enrollment requirements with federal open enrollment requirements.

Reasons Supporting Proposal: This rule making is being proposed through the expedited process because it meets the requirements of RCW 34.05.353 (2)(c) The rule is no longer necessary because of changed circumstances and (d) Other rules of the agency or of another agency govern the same activity as the rule, making the rule redundant.

Statutory Authority for Adoption: RCW 48.02.060, 48.18.120(2), 48.44.050 and 48.46.200, 45 C.F.R. Parts 144, 146, and 147.

Statute Being Implemented: RCW 48.20.450, 48.43.-0122.

Rule is necessary because of federal law, 45 C.F.R. Parts 144, 146, and 147.

Name of Proponent: Mike Kreidler, insurance commissioner, governmental.

Name of Agency Personnel Responsible for Drafting: Donna Dorris, P.O. Box 40258, Olympia, WA 98504-0258, (360) 725-7040; Implementation: Molly Nollette, P.O. Box 40255, Olympia, WA 98504-0255, (360) 725-7117; and Enforcement: AnnaLisa Gellermann, P.O. Box 40255, Olympia, WA 98504-0255, (360) 725-7050.

January 22, 2014
Mike Kreidler
Insurance Commissioner

REPEALER

The following sections of the Washington Administrative Code are repealed:

WAC 284-43-970 Purpose and scope.

WAC 284-43-975 Definitions.
WAC 284-43-980 Preexisting conditions.
WAC 284-43-985 Enrollment of persons under age nineteen.

AMENDATORY SECTION (Amending WSR 14-01-042, filed 12/11/13, effective 1/1/14)

WAC 284-170-420 Individual market open enrollment requirements. (1) For purposes of this section, "open enrollment" means a specific period of time each year during which enrollment in a health benefit plan is permitted. This section applies to plans offered in the individual market.

(2) An issuer must limit the dates for enrollment in plans offered on the individual market off the health benefit exchange to the same time period for open enrollment established by the health benefit exchange.

~~(3) ((In addition to the open enrollment period established by the exchange, an issuer participating in the off-exchange individual market must hold an open enrollment period between March 15th and April 30th each year, making its child-only policies available to those under age nineteen.~~

~~(4))~~ (4) An issuer must prominently display information on its web site about open enrollment periods and special enrollment periods applicable to its plans offered either on or off the health benefit exchange.

(a) The web site information about enrollment periods must provide a consumer with the ability to access or request and receive an application packet for enrollment at any time.

(b) The displayed information must include details written in plain language explaining what constitutes a qualifying event for special enrollment.

~~((5))~~ (4) Written notice of open enrollment must be provided to enrolled persons at some point between September 1st and September 30th of each year.