



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: Designation of base benchmark plan for Essential Health Benefits purposes as well as any necessary supplementation

Insurance Commissioner Matter No. R2015-02

Statutes authorizing the agency to adopt rules on this subject:

RCW 48.21.241, 48.21.320, 48.44.460, 48.44.341, 48.46.291, 48.46.530, and 48.43.715

Reasons why rules on this subject may be needed and what they might accomplish: The federal government (Health and Human Services) has decided to extend the base benchmark approach for establishing Essential Health Benefit coverage levels through at least plan year 2017. Under HHS rules OIC must adopt a new base benchmark plan by June 2015 and make any necessary adjustments in its Essential Health Benefits rules before the rate filings are due for 2017 individual and small group market plans. This will provide health plan issuers with specific guidance regarding form and rate filing of non-grandfathered individual and small group health plans for the 2017 benefit year, in relation to ensuring that an issuer's product and plan filing is substantially equal to the Essential Health Benefits (EHB)-benchmark plan, and that the actuarial values for each EHB category are substantially equal to the EHB-benchmark plan. Any state legislation passed since 2012 affecting EHB coverage will also be considered as part of this rulemaking.

Identify other federal and state agencies that regulate this subject and the process coordinating the rule with these agencies:

In addition to state legislation on this same topic (RCW 48.43.715), OIC must also follow federal rules (45 CFR 156) and coordinate data with HHS.

The Washington Health Exchange does not regulate the essential health benefits benchmark plan designation, but will use the information in planning the Exchange. The Commissioner will coordinate with the Exchange by keeping its staff informed as the rule making progresses.

Process for developing new rule (check all that apply):

- Negotiated rule making
- Pilot rule making
- Agency study

X Other (describe) Submit written comments by: July 7, 2015

To: Bianca Stoner
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.)

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DATE
May 19, 2015

NAME (TYPE OR PRINT)
Mike Kreidler

SIGNATURE

TITLE
Insurance Commissioner

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STATE OF WASHINGTON
FILED

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