



November 9, 2021

Ms. Jane Beyer
Washington State Office of the Insurance Commissioner
P.O Box 40258
Olympia, WA 98504
Submitted via e-mail to: rulescoordinator@oic.wa.gov

Re: R 2021-14 Health Insurance Discrimination and Gender Affirming Treatment Proposed Rule

Dear Ms. Beyer,

On behalf of Cambia Health Solutions family of insurance companies (“Cambia”), thank you for the opportunity to comment on the health insurance discrimination and gender affirming treatment proposed rule. Cambia offers short-term limited duration medical plans in Washington through its subsidiary, LifeMap Assurance Company (“LifeMap”), and sees these products as an important option for consumers. This letter outlines our concerns with how the proposed rule may unintentionally impact short-term limited duration (STLD) medical plans sold in the Washington market.

STLD medical plans are not intended to be major medical health insurance coverage. They are designed to meet short-term needs and provide an affordable option for consumers who need temporary health insurance during a gap in their coverage, like an individual who is between jobs or a recent grad. LifeMap’s STLD medical plans offer a temporary solution and option to these consumers who may not be served under the existing Affordable Care Act (ACA) market. However, the more that STLD medical plans are required to look and function like ACA-compliant plans, it will increase consumer confusion and decrease affordability.

Cambia believes everyone should have access to affordable, high-quality health care regardless of race, color, national origin, sex, gender identity, sexual orientation, age, or disability, and we support the Office of the Insurance Commissioner’s (OIC) efforts to ensure these protections for Washington consumers. We believe there is a way for STLD medical plans to support these important protections without limiting their ability to meet the unique, temporary needs of the consumers they serve.

Below are our comments on specific sections of the proposed rule.

WAC 284-43-5940 Nondiscrimination in health plans, short-term limited duration medical plans and student-only health plans.

2SSB 5313 Sec.3(3), now codified as RCW 48.43.0128(3) states “For **health plans** issued or renewed on or after January 1, 2022: A health carrier may not deny or limit coverage for gender affirming treatment when that treatment is prescribed to an individual because of, related to, or consistent with a person's gender expression or identity, as defined in RCW 49.60.040, is medically necessary, and is prescribed in accordance with accepted standards of care...”(emphasis added). By definition (RCW 48.43.005(29)(I)), “Plans deemed by the insurance commissioner to have a short-term limited purpose or duration...” are excluded from statutory definition of a health plan. Therefore, 2SSB 5313 does not apply to STLD medical plans. However, in the rulemaking the OIC is proposing to place the gender affirming treatment nondiscrimination requirements from 2SSB 5313 under WAC 284-43-5940, which applies to health plans, STLD medical plans and student-only health plans. As currently drafted, this section of the proposed rule is expanding the types of insurance plans 2SSB 5313 was intended to apply to. We recommend clarifying the language in this section of the proposed rule to exclude STLD medical plans or placing the requirements of 2SSB 5313 Sec.3(3) in a different section of Washington Administrative Code (WAC) to avoid broadening the applicability of 2SSB 5313 and to avoid confusion.

If the OIC intends to keep the gender affirming treatment requirements within this section of WAC and apply them to STLD medical plans, we ask for clarification regarding how 2SSB 5313 applies to STLD medical plans and recommend additional language clarifying that 2SSB 5313’s prohibitions do not restrict a STLD medical plans’ ability to exclude coverage for pre-existing conditions. We are concerned the language as currently drafted could be interpreted to mean STLD medical plans could not consider a diagnosis related to gender affirming treatment as a pre-existing condition. As permitted under WA law, STLD medical plans do not cover pre-existing conditions, they are intended to cover illnesses or injuries sustained while covered under the plan. This exclusion applies to all conditions or medical diagnoses, regardless of a person’s gender identity or expression. Without the ability to apply pre-existing condition exclusions, STLD medical plans become less affordable and risk carriers’ ability to offer these important plans in Washington.

Thank you for considering our comments. Please feel free to contact me with any questions or to discuss our feedback. I can be reached at or (206) 332-5212.

Sincerely,

A handwritten signature in black ink that reads "Jane Douthit". The signature is written in a cursive, flowing style.

Jane Douthit
Cambia Health Solutions
Sr. Public & Regulatory Affairs Specialist