



Mike Kreidler- Insurance commissioner

As required by

The Washington State Administrative Procedures Act

Chapter 34.05 RCW

Matter No. **R2021-08**

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

Relating to the adoption of

Using Respectful Language

October 27 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 reason's 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; and
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

House Bill 2390 amended several statutes to reflect respectful language as identified under current law by replacing references to “handicapped persons” with references to “individuals with disabilities”. This proposal amends existing rule to align with House Bill 2390. The new rule applies to WAC 284-50-330 which currently has references to “handicapped persons”.

Section 3: Rule Development Process

On July 2, 2021, the Commissioner filed a CR-101 pre-proposal public notice of intent to adopt rules. The comment period was open through July 26, 2021. No comments were received.

On July 8, 2021, the Commissioner issued a stakeholder draft of rule language, notified stakeholders and requested comment. The comment period was open through July 28, 2021. No comments were received.

On September 21, 2021, the Commissioner filed a CR-102 proposed rulemaking. The comment period was open through October 25, 2021. No comment was received.

On October 26, 2021, the Commissioner held a public hearing and was available to hear testimony on the proposed rule. Several people attended the public hearing and no testimony was provided. The hearing summary is in Appendix A.

The responsive summary chart included in Section 5 addresses the comments received.

Section 4: Differences Between Proposed and Final Rule

None

Section 5: Responsiveness Summary

Stakeholder Comment	Response
How about 'individuals with altered abilities'? For Instance, I knew a number of deaf individuals who object to the notion that they're broken and presumed to want to be fixed. But individuals with disabilities is preferable to handicapped individuals.	The Commissioner elected to retain the original language, as 'individuals with disabilities' is a more generally understood and clearly defined term. The comment is appreciated.

Section 6: Implementation Plan

A. Implementation and enforcement of the rule.

After the permanent rule is filed and adopted with the Office of the Code Reviser:

- Policy staff will distribute copies of the final rule and the Concise Explanatory Statement to all interested parties through the State's Govdelivery email system.
- The CR 103 documents and adopted rule will be posted on the Office of the Insurance Commissioner's website.

Questions will be addressed by the Office of the Insurance Commissioner's staff as follows:

Type of Inquiry	Division
Consumer assistance	Consumer Advocacy
Rule content	Policy
Authority for rules	Policy
Enforcement of rule	Rates, Forms & Provider Network and Legal Affairs
Market Compliance	Company Supervision

B. How the Agency intends to inform and educate affected persons about the rule.

The agency will meet with and provide assistance to insurers and any affected consumer.

C. How the Agency intends to promote and assist voluntary compliance for this rule.

- The agency will meet with and provide assistance to insurers and any affected consumer
- Policy staff will distribute copies of the final rule and the Concise Explanatory Statement to all interested parties through the State's Govdelivery email system.
- The CR 103 documents and adopted rule will be posted on the Office of the Insurance Commissioner's website.

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

The agency will monitor the use of respectful language.

Appendix A

CR-102 Hearing Summary

Summarizing Memorandum

**To: Mike Kreidler
Insurance Commissioner**

**From: Simon Casson
Presiding Official, Hearing on Rule-making**

Matter No. R2021-08

Topic of Rule-making: Using Respectful Language

This memorandum summarizes the hearing on the above-named rule making, held on October 26 2021 at 11:00am on Zoom meeting ID# 831 7005 4275 over which I presided in your stead.

The following agency personnel were present: Jesse Wolff, Amy Teshera

In attendance and testifying:
No Testimonies.

In attendance:
Kevin Smith, Frankie E, Michelle Baird

Contents of the presentations made at hearing:

The hearing was adjourned.

SIGNED this 27th day of September, 2021



Simon Casson, Presiding Official