



RULE-MAKING ORDER PERMANENT RULE ONLY

CR-103P (December 2017) (Implements RCW 34.05.360)

CODE REVISER USE ONLY

OFFICE OF THE CODE REVISER
STATE OF WASHINGTON
FILED

DATE: October 10, 2022

TIME: 1:53 PM

WSR 22-21-042

Agency: Office of the Insurance Commissioner

Effective date of rule:

Permanent Rules

- 31 days after filing.
- Other (specify) _____ (If less than 31 days after filing, a specific finding under RCW 34.05.380(3) is required and should be stated below)

Any other findings required by other provisions of law as precondition to adoption or effectiveness of rule?

- Yes No If Yes, explain:

Purpose: To amend existing rules in order to establish unique general filing instructions for the submission of provider agreements and health care benefit manager (HCBM) contracts by carriers.

Insurance Commissioner Matter R 2022-06

Citation of rules affected by this order:

New:

Repealed:

Amended: WAC 284-44A-010, 284-44A-040, 284-44A-050, 284-46A-010, 284-46A-040, 284-46A-050, 284-58-025 and 284-58-030

Suspended:

Statutory authority for adoption: RCW 48.02.060, 48.19.035, 48.43.730, 48.43.731, 48.44.050, 48.46.200 and 48.200.900

Other authority:

PERMANENT RULE (Including Expedited Rule Making)

Adopted under notice filed as WSR 22-17-133 on 8/23/22 (date).

Describe any changes other than editing from proposed to adopted version: There are no differences between the proposed version and the adopted version.

If a preliminary cost-benefit analysis was prepared under RCW 34.05.328, a final cost-benefit analysis is available by contacting:

Name: Shari Maier

Address: PO Box 40255, Olympia, WA 98504-0255

Phone: 360-725-7173

Fax: 360-586-3109

TTY:

Email: Shari.Maier@oic.wa.gov

Web site:

Other:

**Note: If any category is left blank, it will be calculated as zero.
No descriptive text.**

**Count by whole WAC sections only, from the WAC number through the history note.
A section may be counted in more than one category.**

The number of sections adopted in order to comply with:

Federal statute:	New	_____	Amended	_____	Repealed	_____
Federal rules or standards:	New	_____	Amended	_____	Repealed	_____
Recently enacted state statutes:	New	_____	Amended	_____	Repealed	_____

The number of sections adopted at the request of a nongovernmental entity:

New	_____	Amended	_____	Repealed	_____
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The number of sections adopted on the agency's own initiative:

New	_____	Amended	<u>8</u>	Repealed	_____
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The number of sections adopted in order to clarify, streamline, or reform agency procedures:

New	_____	Amended	_____	Repealed	_____
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The number of sections adopted using:

Negotiated rule making:	New	_____	Amended	_____	Repealed	_____
Pilot rule making:	New	_____	Amended	_____	Repealed	_____
Other alternative rule making:	New	_____	Amended	_____	Repealed	_____

Date Adopted: October 10, 2022

Name: Mike Kreidler

Title: Insurance Commissioner

Signature:



WAC 284-44A-010 Definitions that apply to this chapter. The definitions in this section apply throughout this chapter.

(1) "Complete filing" means a package of information containing forms, supporting information, documents and exhibits submitted to the commissioner electronically using the system for electronic rate and form filing (SERFF).

(2) "Date filed" means the date a complete filing has been received and accepted by the commissioner.

(3) "Filer" means:

(a) A person, organization or other entity that files forms or rates with the commissioner for an HCSC; or

(b) A person employed by the HCSC to file under this chapter.

(4) "Form" means a:

(a) "Contract" as defined in WAC 284-43-6020; and includes:

(i) Applications;

(ii) Certificates of coverage;

(iii) Disclosure forms;

(iv) Enrollment forms;

(v) Policy forms, including riders;

(vi) Termination notice forms;

(vii) Short form filing summary, as outlined in the SERFF filing instructions; and

(viii) All other forms that are part of the contract.

(b) "Contract form" as defined in WAC 284-43-6020;

(c) Network enrollment forms described in WAC 284-170-280(3);

(d) Participating provider agreements as required by RCW ~~((48.44.070))~~ 48.43.730 and WAC 284-170-480; and

(e) Medicare supplement forms required to be filed under chapter 48.66 RCW.

(5) "Health care benefit manager contract" or "HCBM contract" means a contract that includes the services under RCW 48.200.020(4) and any amendments made to such contracts.

(6) "Health care service contractor" or "HCSC" means the same as in RCW 48.44.010.

~~((6))~~ (7) "NAIC" means the National Association of Insurance Commissioners.

~~((7))~~ (8) "Objection letter" means correspondence created in SERFF and sent by the commissioner to the filer that:

(a) Requests clarification, documentation or other information;

(b) Explains errors or omissions in the filing; or

(c) Disapproves a form under RCW 48.44.020 or ~~((48.44.070))~~ 48.43.730.

~~((8))~~ (9) "Rate" or "rates" means all classification manuals, rate manuals, rating schedules, class rates, and rating rules that must be filed under RCW 48.44.040 or 48.66.035.

~~((9))~~ (10) "Rate schedule" means the same as in WAC 284-43-6020.

~~((10))~~ (11) "SERFF" means the system for electronic rate and form filing. SERFF is a proprietary NAIC computer-based application that allows insurers and other entities to create and submit rate, rule and form filings electronically to the commissioner.

~~((11))~~ (12) "Type of insurance" or "TOI" means a specific type of health care coverage listed in the *Uniform Life, Accident and*

Health, Annuity and Credit Coding Matrix published by the NAIC and available at www.naic.org.

AMENDATORY SECTION (Amending WSR 20-01-048, filed 12/9/19, effective 1/9/20)

WAC 284-44A-040 Filing instructions that are incorporated into this chapter. SERFF is a dynamic application that the NAIC will revise and enhance over time. To be consistent with NAIC filing standards and provide timely instructions to filers, the commissioner will incorporate documents posted on the SERFF website into this chapter. By reference, the commissioner incorporates these documents into this chapter:

(1) The *SERFF Industry Manual* available within the SERFF application; and

(2) State specific rate and form filing instructions posted on the commissioner's website (www.insurance.wa.gov), including the:

(a) *Washington State SERFF Life and Disability Form Filing General Instructions*;

(b) *Washington State SERFF Life, Health and Disability Rate Filing General Instructions*;

(c) *Washington State SERFF Health and Disability Form Filing General Instructions*; ~~((and))~~

(d) *Washington State SERFF Health and Disability Binder Filing General Instructions* (also called "plan management instructions"); and

(e) *Washington State SERFF Carrier Provider Agreement and HCBM Contract Filing General Instructions*.

AMENDATORY SECTION (Amending WSR 20-01-048, filed 12/9/19, effective 1/9/20)

WAC 284-44A-050 General form and rate filing rules. (1) Each form or rate filing must be submitted to the commissioner electronically using SERFF.

(a) Every form filed in SERFF must:

(i) Be attached to the form schedule; and

(ii) Have a unique identifying number and a way to distinguish it from other versions of the same form.

(b) Filers must send all written correspondence related to a form or rate filing in SERFF.

(2) All filed forms must be legible for both the commissioner's review and retention as a public record. Filers must submit new or revised forms to the commissioner for review in final form displayed in ~~((ten-point))~~ 10-point or larger type.

(3) Filers must submit complete filings that comply with the *SERFF Industry Manual* available within the SERFF application and state specific instructions applicable to the particular filing, as revised from time to time and posted on the commissioner's website (www.insurance.wa.gov) including the:

(a) *Washington State SERFF Life and Disability Form Filing General Instructions*;

(b) *Washington State SERFF Life, Health and Disability Rate Filing General Instructions;*

(c) *Washington State SERFF Health and Disability Form Filing General Instructions; ((and))*

(d) *Washington State SERFF Health and Disability Binder Filing General Instructions (also called "plan management instructions"); and*

(e) Washington State SERFF Carrier Provider Agreement and HCBM Contract Filing General Instructions.

(4) Filers must submit separate filings for each type of insurance.

WAC 284-46A-010 Definitions that apply to this chapter. The definitions in this section apply throughout this chapter.

(1) "Complete filing" means a package of information containing forms, supporting information, documents and exhibits submitted to the commissioner electronically using the system for electronic rate and form filing (SERFF).

(2) "Date filed" means the date a complete filing has been received and accepted by the commissioner.

(3) "Filer" means:

(a) A person, organization or other entity that files forms or rates with the commissioner for an HMO; or

(b) A person employed by the HMO to file under this chapter.

(4) "Form" means a:

(a) "Contract" as defined in WAC 284-43-6020; and includes:

(i) Applications;

(ii) Certificates of coverage;

(iii) Disclosure forms;

(iv) Enrollment forms;

(v) Policy forms, including riders;

(vi) Termination notice forms;

(vii) Short form filing summary, as outlined in the SERFF filing instructions; and

(viii) All other forms that are part of the contract.

(b) "Contract form" as defined in WAC 284-43-6020;

(c) Network enrollment forms described in WAC 284-170-280(3);

(d) Prepayment agreements described in RCW 48.46.060;

(e) Participating provider agreements as required by RCW ~~((48.46.243))~~ 48.43.730 and WAC 284-170-480; and

(f) Medicare supplement forms required to be filed under chapter 48.66 RCW.

(5) "Health care benefit manager contract" or "HCBM contract" means a contract that includes the services under RCW 48.200.020(4) and any amendments made to such contracts.

~~((6))~~ (6) "Health maintenance organization" or "HMO" means the same as in RCW 48.46.020.

~~((7))~~ (7) "NAIC" means the National Association of Insurance Commissioners.

~~((8))~~ (8) "Objection letter" means correspondence created in SERFF and sent by the commissioner to the filer that:

(a) Requests clarification, documentation or other information;

(b) Explains errors or omissions in the filing; or

(c) Disapproves a form under RCW 48.46.060 or ~~((48.46.243))~~ 48.43.730.

~~((9))~~ (9) "Rate" or "rates" means all classification manuals, rate manuals, rating schedules, class rates, and rating rules that must be filed under RCW 48.46.060 or 48.66.035.

~~((10))~~ (10) "Rate schedule" means the same as in WAC 284-43-6020.

~~((11))~~ (11) "SERFF" means the system for electronic rate and form filing. SERFF is a proprietary NAIC computer-based application that allows insurers and other entities to create and submit rate, rule and form filings electronically to the commissioner.

((11)) (12) "Type of insurance" or "TOI" means a specific type of health care coverage listed in the *Uniform Life, Accident and Health, Annuity and Credit Coding Matrix* published by the NAIC and available at www.naic.org.

AMENDATORY SECTION (Amending WSR 20-01-048, filed 12/9/19, effective 1/9/20)

WAC 284-46A-040 Filing instructions that are incorporated into this chapter. SERFF is a dynamic application that the NAIC will revise and enhance over time. To be consistent with NAIC filing standards and provide timely instructions to filers, the commissioner will incorporate documents posted on the SERFF website into this chapter. By reference, the commissioner incorporates these documents into this chapter:

- (1) The *SERFF Industry Manual* available within the SERFF application; and
- (2) State specific rate and form filing instructions posted on the commissioner's website (www.insurance.wa.gov), including the:
 - (a) *Washington State SERFF Life and Disability Form Filing General Instructions*;
 - (b) *Washington State SERFF Life, Health and Disability Rate Filing General Instructions*;
 - (c) *Washington State SERFF Health and Disability Form Filing General Instructions*; ~~((and))~~
 - (d) *Washington State SERFF Health and Disability Binder Filing General Instructions* (also called "plan management instructions"); and
 - (e) *Washington State SERFF Carrier Provider Agreement and HCBM Contract Filing General Instructions*.

AMENDATORY SECTION (Amending WSR 20-01-048, filed 12/9/19, effective 1/9/20)

WAC 284-46A-050 General form and rate filing rules. (1) Each form or rate filing must be submitted to the commissioner electronically using SERFF.

- (a) Every form filed in SERFF must:
 - (i) Be attached to the form schedule; and
 - (ii) Have a unique identifying number and a way to distinguish it from other versions of the same form.
- (b) Filers must send all written correspondence related to a form or rate filing in SERFF.
- (2) All filed forms must be legible for both the commissioner's review and retention as a public record. Filers must submit new or revised forms to the commissioner for review in final form displayed in ten-point or larger type.
- (3) Filers must submit complete filings that comply with the *SERFF Industry Manual* available within the SERFF application and state specific instructions applicable to the particular filing as revised from time to time and posted on the commissioner's website (www.insurance.wa.gov), including the:

(a) *Washington State SERFF Life and Disability Form Filing General Instructions;*

(b) *Washington State SERFF Life, Health and Disability Rate Filing General Instructions;*

(c) *Washington State SERFF Health and Disability Form Filing General Instructions; ((and))*

(d) *Washington State SERFF Health and Disability Binder Filing General Instructions (also called "plan management instructions"); and*

(e) Washington State SERFF Carrier Provider Agreement and HCBM Contract Filing General Instructions.

(4) Filers must submit separate filings for each type of insurance.

AMENDATORY SECTION (Amending WSR 20-01-048, filed 12/9/19, effective 1/9/20)

WAC 284-58-025 Filing instructions that are incorporated into this chapter. SERFF is a dynamic application that the NAIC will revise and enhance over time. To be consistent with NAIC filing standards and provide timely instructions to filers, the commissioner will incorporate documents posted on the SERFF website into this chapter. By reference, the commissioner incorporates these documents into this chapter:

(1) The *SERFF Industry Manual* available within the SERFF application; and

(2) State specific rate and form filing instructions posted on the commissioner's website (www.insurance.wa.gov), including the:

(a) *Washington State SERFF Life and Disability Form Filing General Instructions*;

(b) *Washington State Life, Health and Disability Rate Filing General Instructions*;

(c) *Washington State SERFF Health and Disability Form Filing General Instructions*; (~~and~~)

(d) *Washington State SERFF Health and Disability Binder Filing General Instructions* (also called "plan management instructions"); and

(e) *Washington State SERFF Carrier Provider Agreement and HCBM Contract Filing General Instructions*.

AMENDATORY SECTION (Amending WSR 21-03-008, filed 1/7/21, effective 2/7/21)

WAC 284-58-030 General form and rate filing rules. (1) Each credit, life or disability insurance form or rate filing must be submitted to the commissioner electronically using SERFF.

(a) Every form filed in SERFF must be attached to the form schedule.

(b) Filers must send all written correspondence related to a form or rate filing in SERFF.

(2) All filed forms must be legible for both the commissioner's review and retention as a public record. Filers must submit new or revised forms to the commissioner for review in final form displayed in ten-point or larger type.

(3) Filers must submit complete filings that comply with the *SERFF Industry Manual* available within the SERFF application and state specific filing instructions applicable to the particular filing, as revised from time to time and posted on the commissioner's website (www.insurance.wa.gov), including the:

(a) *Washington State SERFF Life and Disability Form Filing General Instructions*;

(b) *Washington State SERFF Life, Health and Disability Rate Filing General Instructions*;

(c) *Washington State SERFF Health and Disability Form Filing General Instructions*; (~~and~~)

(d) *Washington State SERFF Health and Disability Binder Filing General Instructions* (also called "plan management instructions"); and

(e) Washington State SERFF Carrier Provider Agreement and HCBM Contract Filing General Instructions.

(4) Filers must submit separate filings for each type of insurance. This section does not apply to:

(a) Credit insurance filings made under RCW 48.34.040; or

(b) Group insurance where different types of insurance are incorporated into a single certificate.

(5) All stand-alone prescription drug plans which exclusively supplement a medicare Part D employer group waiver plan and modification of a contract form or rate must be filed before the contract form is offered for sale to the public and before the rate schedule is used.