



Mike Kreidler- Insurance commissioner

As required by

The Washington State Administrative Procedures Act

Chapter 34.05 RCW

Matter No. **R 2022-06**

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

Relating to the adoption of

**General Filing Instructions for Carrier Submission of Provider Agreements
and Health Care Benefit Manager (HCBM) Contracts**

October 7, 2022

TABLE OF CONTENTS

Section 1	Introduction	pg. 3
Section 2	Reasons for adopting the rule	pg. 3
Section 3	Rule development process	pg. 3
Section 4	Differences between proposed and final rule	pg. 3
Section 5	Responsiveness summary	pg. 4
Section 6	Implementation plan	pg. 4
Appendix A	Hearing Summary (CR-102)	pg. 6

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 reasons 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;
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

The Commissioner is adopting rules to amend existing rules in order to establish unique general filing instructions for the submission of provider agreements and HCBM contracts by carriers.

Section 3: Rule Development Process

On June 22, 2022, the OIC filed a preproposal statement of inquiry (CR-101) to begin formal rulemaking. The CR-101 comment period was open until July 15, 2022.

The OIC released the first draft of the revised rule text on June 24, 2022, and held a meeting for interested parties on July 19, 2022.

On August 23, 2022, the OIC filed a CR-102, and the public hearing was scheduled for October 5, 2022.

The OIC held the public hearing on October 5, 2022. Comments on the CR-102 were due on October 6, 2022.

Section 4: Differences Between Proposed and Final Rule

There are no differences between the proposed version that was submitted with the CR-102 and the adopted version.

Section 5: Responsiveness Summary

The OIC didn't receive any comments or suggestions regarding this rule.

Section 6: Implementation Plan

A. Implementation and enforcement of the rule.

The OIC intends to implement the rule through the Rates, Forms and Provider Networks Division and enforce the rule through the Legal Affairs Division. OIC staff will continue to work with the carriers and interested parties regarding the requirements of the rule.

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

After the agency files the permanent rule and adopts it with the Office of the Code Reviser:

- Policy and Legislation Division staff will distribute the final rule and the Concise Explanatory Statement (CES) to all interested parties by posting and sharing the documents through the OIC's standard rule making listserv.
- The Rules Coordinator will post the CR-103 documents on the OIC's website.
- OIC staff will address questions as follows:

Type of Inquiry	Division
Consumer assistance	Consumer Protection
Rule content	Policy and Legislation
Authority for rules	Policy and Legislation
Enforcement of rule	Legal Affairs
Market Compliance	Rates, Forms and Provider Networks; Company Supervision

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

- Policy and Legislation Division staff will distribute the final rule and the Concise Explanatory Statement (CES) to all interested parties by posting and sharing the documents through the OIC's standard rule making listserv.
- The Rules Coordinator will post the CR-103 documents on the OIC's website.

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

The OIC will work closely with carriers and other interested parties to evaluate the effectiveness of the rule and will monitor consumer complaints and plans for non-compliance.

Appendix A

CR-102 Hearing Summary

Summarizing Memorandum

**To: Mike Kreidler
Insurance Commissioner**

**From: Shari Maier
Presiding Official, Hearing on Rule-making**

Matter No. R 2022-06

Topic of Rule-making: General Filing Instructions for Carrier Submission of Provider Agreements and HCBM Contracts

This memorandum summarizes the hearing on the above-named rule making, held on October 5, 2022, in Olympia, Washington via a virtual meeting over which I presided in your stead. The hearing began at 10:04 a.m.

The following agency personnel were present: Jennifer Kreidler, Ron Pastuch, Andrea Jensen, Darren Dezutter, Julia Hinrichs, Mary Tedders-Young, Joanne Najdzin, Stephanie Kemble, Thomas Bolender, and Jesse Wolff.

In attendance:

Allison Kulas
Amy Do
Anthony Cardamone
Bernard LaPine
Brianna Knudson
Carolyn Johnson
Cheryl Bennett
Cindy Keene
Colton Erickson
Dave Mazzoncini
Dawn Marie Cummings
Frankie Kaiser
Jane Douthit
Katrina Jackson
Lily Trang
Linda Martinez
Mary Chmelka
Megan Kochenderfer
Merlene Converse

Michelle Crimmins
Sharon Williams
Tonia Sorrell Neal
Wendy Stiles

Contents of the presentations made at hearing:

No testimony was presented at this hearing.

The hearing was adjourned.

SIGNED this 7th day of October 2022

*s/
Shari Maier, Presiding Official*