

**From:** [Waltraut Lehmann](#)  
**To:** [Middleton, Stacy \(OIC\)](#)  
**Subject:** OIC rulemaking 2015-17 Commissioner's emergency powers  
**Date:** Thursday, September 29, 2016 10:33:24 AM

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Dear Stacy,

I respectfully request that your office accept the comments in this message regarding the proposed rulemaking for the Commissioner's emergency powers, on behalf of Premera Blue Cross, LifeWise Health Plan of Washington, and LifeWise Assurance Company ("Premera").

First of all, I wish to acknowledge that the deadline for comment was yesterday, September 28, 2016. Unfortunately, we have received no communication from your office regarding this remaking since the stakeholder draft discussion in May of this year. I shall follow up internally to ensure that no e-mails were inadvertently blocked, as I have been subscribed to your ListServe for rulemaking and regularly receive messages. As a result of the missing communication, we were unaware of the availability of the proposed rule language, as well as of the hearing scheduled for today, until a short while ago this morning. I provide you with this detail, because, as you know, we are careful to observe OIC rulemaking, and comment whenever appropriate.

Fortunately, review of the rule proposal does not raise any issues of concern from Premera's perspective. We did, however, identify an element that, we believe, warrants clarification before the rule is adopted in its final form.

The Commissioner's emergency powers extend, of course, to all lines of coverage and regulated companies, depending on the circumstances of the specific emergency. The new rule sections refer to "insurance," "insurer," "policyholders," and similar terms in contexts where the affected entities will in many cases also include health care service contractors and health maintenance organizations. Since the terminology used, without further clarity, would appear to restrict the rule consistent with the narrower definition of "insurer (cf. RCW 48.01.050), we respectfully ask that the intended scope of the rulemaking be clarified. We believe this can be accomplished by enhancing the scope provision in proposed section WAC 284-02-110 to state expressly, for purposes of the applicable rule sections, what the term "insurer" encompasses.

Please let me know if you have questions or would like to discuss. We appreciate your work on this rule topic.

Best regards,

*Waltraut*

*Waltraut B. Lehmann  
Senior Manager, Regulatory Affairs  
Premera Blue Cross  
425-918-4974*