



PREPROPOSAL STATEMENT OF INQUIRY

CR-101 (June 2004)
(Implements RCW 34.05.310)
Do **NOT** use for expedited rule making

Agency: Health Care Authority (HCA), Public Employees Benefits Board (PEBB) Admin # 2017-01

Subject of possible rule making:

Enrollment, eligibility, and appeal rules in Chapters 182-08, 182-12, and 182-16 WAC.

Statutes authorizing the agency to adopt rules on this subject: RCW 41.05.021, 41.05.160

Reasons why rules on this subject may be needed and what they might accomplish:

See attachment

Identify other federal and state agencies that regulate this subject and the process coordinating the rule with these agencies:

N/A

Process for developing new rule (check all that apply):

- Negotiated rule making
- Pilot rule making
- Agency study
- Other (describe)

HCA welcomes the public to take part in developing this rule. If interested, contact the person identified below to receive an early rule draft to review. After the early review, HCA will send a notice of proposed rulemaking (CR-102) to everyone receiving this notice and anyone who requests a copy.

How interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication:

Individuals wishing to receive PEBB Program rulemaking notices are encouraged to join the PEB Rules and Policy GovDelivery service available by following this path:

https://public.govdelivery.com/accounts/WAHCA/subscriber/new?topic_id=WAHCA_303.

If you have questions about this rulemaking, contact Barbara Scott at (360) 725-0830 or Rob Parkman at (360) 725-0883 or at the address below.

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DATE

April 17, 2017

NAME (TYPE OR PRINT)

Wendy Barcus

SIGNATURE

TITLE

HCA Rules Coordinator

CODE REVISER USE ONLY

OFFICE OF THE CODE REVISER
STATE OF WASHINGTON
FILED

DATE: April 17, 2017

TIME: 2:18 PM

WSR 17-09-051

Attachment to CR101

Reasons why rules on this subject may be needed and what they might accomplish:

1. The Health Care Authority (HCA) will consider amendments and new rules to implement the following:

- Review chapters 182-08, 182-12, and 182-16 WAC and insert the “PEBB” or “Public Employees’ Benefits Board (PEBB)” in front of the words “insurance coverage” for clarity where it is missing.
- Amending a number of sections where premiums and premium payments are discussed to ensure payment of premium surcharges are also addressed.
- Clarify within the definition of "premium surcharge" that the reference to premium contribution is to the subscriber's medical premium contribution.
- Correcting the reference to Treasury regulation 26 CFR 54.9801-6 throughout chapters 182-08 and 182-12 WAC.
- Consider adding a definition of "season" as it relates to seasonal employees within chapters 182-08 and 182-12 WAC, and consider adding the definition of Medical Flexible Spending Arrangement (FSA) that already exists in chapters 182-08 and 182-16 WAC to WAC 182-12-109.
- Amend the definition of “subscriber” so it is clear that they must be determined eligible by the HCA and are the individual to whom the HCA and contracted vendors will issue all notices.
- Amend WAC 182-08-187 to incorporate more detail regarding under what circumstances and how errors will be corrected retroactively.
- Amend current rule or create a new rule in chapter 182-08 or 182-12 WAC to address how the PEBB Program will resolve health plan enrollment when a subscriber is required to change health plans and fails to select a new health plan within the required time.
- Clarify within chapter 182-08 WAC when life insurance paperwork must be turned in and where.
- Amend chapters 182-08 and 182-12 WAC to incorporate information about the Accountable Care Plan.
- Evaluate the need to amend Chapter 182-08 WAC to incorporate the criteria used by HCA to evaluate employer group requests for eligibility criteria which differs from that determined by the PEB Board.
- Consider adding a definition within chapter 182-12 WAC of "self-supporting" as it relates to disabled dependents.
- Provide clarity in chapter 182-12 WAC regarding the term “appointed official” as used in WAC 182-12-114.
- Review WAC 182-12-114 to determine if the word “consecutive” should be added to the second paragraph.
- Amend WAC 182-12-138 to align with WAC 182-08-180 for how delinquent payments are handled.
- Amend WAC 182-12-142 to breakdown the structure of the sections to make it easier to reference individual subsections.
- Evaluate the need to incorporate federal COBRA requirements within certain sections of chapter 182-12 WAC.

- Evaluate the need to amend WAC 182-12-171 to clarify that substantive eligibility must be established before procedural requirements are considered and to make some minor non-technical corrections.
 - Amend WAC 182-12-205 to make some minor non-technical corrections.
 - Clarify within WAC 182-12-260 that dissolution and termination are related to state registered domestic partnerships, that the PEBB Program or “designee” will periodically certify the eligibility of a dependent child with a disability, and that the PEBB Program can check this status more often if the dependent child with a disability status changes or if there is suspected misconduct.
 - Amend WAC 182-12-262 to include the timeline for when a subscriber must turn in a disabled dependent recertification form and to reflect that optional employee life insurance for a newborn child does not begin until the child is 14 days old.
 - Evaluate the need to amend WAC 182-12-265 to better clarify when a surviving spouse must start to receive a retirement benefit to be eligible for PEBB insurance coverage, add surviving spouse and dependents of elected and full-time appointed officials of the legislative and executive branches of state government as another eligible group, and add that eligibility for a non K-12/ Educational Service Districts (ESD) employer group surviving spouse or domestic partner will end at the end of the month when the employer group ends participation with the PEBB Program.
 - Evaluate the need for a global change within chapter 182-16 WAC to account for former employees and the process required for their appeals.
 - Clarify within chapter 182-16 WAC the appeals process for disabled dependent certification and recertification denials. Also, consider the use of the word “applicant” instead of the word “subscriber” in some instances.
 - Amend chapter 182-16 WAC to be more specific regarding which of the HCA director’s powers are delegated to the Office of Administrative Hearings (OAH).
 - Remove the special open enrollment event for a child becoming eligible as a dependent with a disability from multiple rules.
 - Evaluate the need for new or amended rules in chapter 182-08, 182-12, and 182-16 WAC related to the administration of life insurance.
2. HCA will conduct a full review of PEBB Program rules in these chapters and make changes as necessary to provide technical corrections, implement legislation, implement PEB Board policy, and to comply with federal or state regulations.