

## **Notice of Submittal of Proposed Rule to Legislative Council Rules Clearinghouse**

On June 21, 2019, the Office of the Commissioner of Insurance (OCI) submitted a proposed rule to the Wisconsin Legislative Council Clearinghouse pursuant to s. 227.15 (1), Wis. Stats.

### **Analysis**

The proposed rule implements 2017 Wis. Act 138 by establishing the process by which the payment parameters will be set in future years. The OCI will receive claims information and other utilization data from insurers doing health insurance business in the state that will be analyzed with the assistance of the OCI's consultants to develop preliminary and final payment parameters. The OCI will issue public notice and invite public input prior to establishing and publishing the final parameters for each benefit year.

Consistent with the authorizing statute, the proposed rule clarifies the OCI's requirements for insurers offering individual comprehensive health insurance on the federally facilitated marketplace and offered generally in the state. The benefits covered by compliant plans must comply with The Patient Protection and Affordable Care Act, as amended, requirements including; coverage of preexisting conditions, essential health benefits, Wisconsin health insurance requirements, provided without discrimination or imposition of annual or lifetime limitations. Additionally, to be eligible for reinsurance payments, the claims paid by the eligible carriers on behalf of an insured individual must comply with the payment parameters, the cost sharing provisions of the plan, and application of provider contracted rates.

The proposed rule delineates the claim submission process by setting forth the claim reporting requirements, timing and content of quarterly and annual reports, and final reconciliation of claims data. The proposed rule also identifies the review and audit process of submitted claims and establishes timelines for submission of data and other information required by the commissioner. The information gathered by the Commissioner will be used in aggregate to complete required reporting to the federal government and notices to eligible carriers. Claims paid by the carriers between January 1, 2019, and April 30, 2020, may be submitted to the commissioner for reinsurance payment in accordance with the payment parameters and payment calculation set forth in s. 601.83 (4), Stats. Reinsurance payments to eligible carriers for compliant claims will be issued by August 15 of the year following the applicable benefit year.

### **Statement of Scope**

The statement of scope for this rule SS 027-19, was approved by the Governor on February 22, 2019, was published in the Wisconsin Administrative Register No. 759A2 on March 11, 2019. The public hearing was held on the statement of scope March 21, 2019 and approved by the Commissioner on April 2, 2019.

### **Agency Procedure for Promulgation**

A public hearing is required and will be held on July 24, 2019, at 10:00 am for the permanent rule hearing.

### **Agency Organizational Unit Primarily Responsible for Promulgating Rule**

Office of the Commissioner of Insurance.

### **Agency Contact Person**

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