

Public Notice of Direct Final Rulemaking

Rhode Island Government Register

AGENCY: Office of the Health Insurance Commissioner (“OHIC”)
DIVISION: Insurance
RULE IDENTIFIER: N/A
ERLID: 3850
REGULATION TITLE: Adoption of Existing Administrative and Health Insurance-Related Regulations of the Department of Business Regulation
OHIC Regulation 1

RULEMAKING ACTION: Direct Final

TYPE OF FILING: Repeal

TIMETABLE FOR ACTION ON THE PROPOSED RULE:

Date of Public Notice: **June 27, 2018**

End of Comment Period: **July 27, 2018**

SUMMARY OF PROPOSED ACTION ON THE RULE:

OHIC proposes repealing this regulation, the sole purpose of which was to adopt the regulations promulgated by the Department of Business Regulation as regulations promulgated by the Health Insurance Commissioner so that there would not be a challenge to the Health Insurance Commissioner’s authority to enforce the regulations. With transition the RICR, this regulation is no longer necessary as RICR Title 230 encompasses all insurance regulations, whether promulgated by OHIC and or the Department of Business Regulation.

OHIC does not expect this repeal to be controversial.

WHERE AMENDMENTS MAY BE INSPECTED:

A copy of the proposed repeal will be available for examination from June 27, 2018, through July 27, 2018, by mail or at the offices of the Department of Business Regulation, Attn: Amy Stewart, Esq., 1511 Pontiac Avenue, Cranston, Rhode Island 02920, or requested by emailing amy.stewart@dbr.ri.gov or by calling Amy Stewart at (401) 462-9619. Electronic copies of the proposed repeal will also be available on the DBR website at www.dbr.ri.gov and Secretary of State’s at <http://sos.ri.gov/ProposedRules/>. A copy of the proposed repeal is also found below in the body of this webpage.

COMMENTS:

Interested persons may submit written objections to the proposed repeal of this regulation. If no objection is received on or before July 27, 2018, the Department will file the repeal without opportunity for public comment and the repeal will be effective on July 27, 2018. Any written

objections should be sent to the following addresses and must be received no later than 11:59 PM on July 27, 2018.

amy.stewart@dbr.ri.gov

OR

Department of Business Regulation
Legal Division
Attn: Amy Stewart
1511 Pontiac Ave, Bldg 68-1
Cranston, RI 02920

FOR FURTHER INFORMATION CONTACT:

Amy Stewart, Esq., at (401) 462-9619, or at the email or mailing address listed above.

SUPPLEMENTARY INFORMATION:

Regulatory Analysis:

These proposed amendments will result in no impact upon small businesses.

Authority for This Rulemaking: R.I. Gen. Laws §§ 42-14.5-1 et seq., 42-14-5, and 42-14-17.

Regulatory Findings:

In the development of the proposed amendment consideration was given to: (1) alternative approaches; (2) overlap or duplication with other statutory and regulatory provisions; and (3) significant economic impact on small business. No alternative approach, duplication, or overlap was identified based upon available information.

The Proposed Amendment:

Consistent with the above Summary of Proposed Action on the Rule, the Office of the Health Insurance Commissioner proposes to repeal OHIC Regulation 1 - Adoption of Existing Administrative and Health Insurance-Related Regulations of the Department of Business Regulation as specifically shown in the attached redlined document.

~~State of Rhode Island and Providence Plantations
OFFICE OF THE HEALTH INSURANCE COMMISSIONER
233 Richmond Street
Providence, RI 02903~~

~~OFFICE OF THE HEALTH INSURANCE COMMISSIONER REGULATION 1

ADOPTION OF EXISTING ADMINISTRATIVE AND HEALTH INSURANCE-
RELATED REGULATIONS OF THE DEPARTMENT OF BUSINESS
REGULATION~~

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Preamble

~~In July of 2004, the Title 42 of the General Laws was amended to create the Office of the Health Insurance Commissioner. See R.I. Gen Laws § 42-14.5-1. The statute became effective upon the confirmation of the Health Insurance Commissioner, which occurred on February 17, 2005. Under this new statutory scheme, the Health Insurance Commissioner has "sole and exclusive jurisdiction over those statutes with respect to all matters related to health insurance." R.I. Gen Laws § 42-14-5(d). Prior to the creation of the Office of the Health Insurance Commissioner, jurisdiction over all matters related to health insurance rested with the Department of Business Regulation. Under its statutory authority, the Department promulgated regulations related to health insurance. By adopting the Department's health insurance regulations, the Office of the Health Insurance Commissioner intends to effect a seamless transition, to the greatest extent possible, of jurisdiction over health insurance matters from the Department to the Office of the Health Insurance Commissioner. In addition, the Office of the Health Insurance Commissioner is also adopting certain general procedural regulations of the Department.~~

~~Section 1 — *Authority*~~

~~This Regulation is promulgated in accordance with R.I. Gen. Laws §§ 42-35-1 et seq., 42-14.5-1 et seq., 42-14-5 and 42-14-17.~~

Section 2 — Purpose

This Regulation is designed to ensure the smooth transition of regulatory and oversight responsibilities from the Department of Business Regulation to the Office of the Health Insurance Commissioner. Under this Regulation, the Office of the Health Insurance Commissioner adopts certain regulations of the Department of Business Regulation.

Section 3 — Regulations to be Adopted

The Office of the Health Insurance Commissioner adopts the following regulations of the Department of Business Regulation:

Central Management Regulations

Central Management Regulation 1 — Access to Public Records

Central Management Regulation 2 — Rules of Practice and Procedure in Administrative Hearings Before the Department of Business Regulation

Central Management Regulation 3 — Declaratory Rulings and Petitions

Division of Insurance Regulations

Insurance Regulation 17 — Insurance Holding Company Systems

Insurance Regulation 20 — Consent to Rate Filing

Insurance Regulation 23 — Minimum Standards of Health Benefit Plans

Insurance Regulation 30 — Standards for Foreign Insurance Company Licensing

Insurance Regulation 46 — Medicare Supplement Insurance Minimum Standards

Insurance Regulation 47 — Advertisement of Medicare Supplement Insurance

Insurance Regulation 48 — Group Insurance Coordination of Benefits Insurance

Regulation 57 — Multiple Employer Welfare Arrangements

Insurance Regulation 58 — Procedure for Surrender and Non-Renewal of Licenses by Insurers Authorized to Write Insurance in Rhode Island

Insurance Regulation 59 — Credit for Reinsurance

Insurance Regulation 61 — Activation of Domestic Insurance Charter

~~Insurance Regulation 65 – Proxies, Consents and Authorizations of Domestic Stock Insurers~~

~~Insurance Regulation 66 – Insider Trading of Domestic Stock Insurance Company Equity Securities~~

~~Insurance Regulation 68 – Commutation Plans~~

~~Insurance Regulation 70 – Insurance Company Licensing Notification Program~~

~~Insurance Regulation 82 – Small Employer Health Insurance Availability~~

~~Insurance Regulation 86 – Minimum Reserve Standards for Individual and Group Health Insurance Contracts~~

~~Insurance Regulation 87 – Annual Audited Financial Reports Insurance~~

~~Regulation 88 – Life and Health Reinsurance Agreements~~

~~Insurance Regulation 89 – Actuarial Opinion and Memorandum Regulation~~

~~Insurance Regulation 90 – Implementation of the Financial Institution Insurance Sales Act~~

~~Insurance Regulation 91 – Alien Insurance Companies – Rhode Island as Port of Entry State~~

~~Insurance Regulation 95 – Captive Insurance Financial Regulation~~

~~Insurance Regulation 99 – Privacy of Consumer Financial Information~~

~~Insurance Regulation 100 – Privacy of Consumer Health Information~~

~~Insurance Regulation 102 – Prompt Claims Processing~~

Section 4 — *Interpretation and Construction*

- (a) — ~~Whenever the words "Commissioner," "Insurance Commissioner," or "Director" appear in the Department of Business Regulation regulations adopted by this Regulation, those words shall be construed to mean the "Health Insurance Commissioner." Whenever the words "Department" or "Department of Business Regulation" appear in the Department of Business Regulation regulations adopted by this Regulation, those words shall be construed to mean the "Office of the Health Insurance Commissioner."~~

- ~~(b) — This Regulation shall be interpreted as adopting the existing practices and procedures of the Department of Business Regulation by the Office of the Health Insurance Commissioner, except to the extent:~~
- ~~(1) — such practices and procedures are superseded, repealed, or modified by regulations, rulings, or opinions issued by the Office of the Health Insurance Commissioner; or~~
- ~~(2) — as may result from necessary implication.~~
- ~~(c) — It is hereby declared to be the intention of the Office of the Health Insurance Commissioner to provide by this Regulation for the prompt, fair, and orderly administration and enforcement of the statutes within the jurisdiction of the Office of the Health Insurance Commissioner, and this Regulation shall be liberally construed and applied to effect this intention and the remedial purpose and policies of the Office of the Health Insurance Commissioner.~~
- ~~(d) — Words in the singular number include the plural, and vice versa, except where the context otherwise requires or where a contrary result appears from necessary implication.~~
- ~~(e) — This Regulation shall apply to all proceedings, complaints, investigations, filings and all other matters currently pending before the Office of the Health Insurance Commissioner as well as all such matter arising on or after the effective date of this Regulation.~~
- ~~(1) — All "short form" written references to the adopted Department of Business Regulation regulations shall be in the following format: "Adopt. DBR Reg. ." Thus, for example, a written reference to adopted Department of Business Regulation 102 would be "Adopt. DBR Reg. 102."~~

~~Section 5 — Severability~~

~~If any provision of this Regulation or the application thereof to any person or circumstances is held invalid or unconstitutional, the invalidity or unconstitutionality shall not affect other provisions or applications of this Regulation which can be given effect without the invalid or unconstitutional provision or application, and to this end the provisions of this Regulation are severable.~~

~~EFFECTIVE DATE: May 17, 2006~~