

2016 -- H 7510 SUBSTITUTE A AS AMENDED

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STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2016

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A N A C T

RELATING TO STATE AFFAIRS AND GOVERNMENT - CATASTROPHIC HEALTH
INSURANCE PLAN ACT

Introduced By: Representatives Messier, Morin, Fellela, Azzinaro, and Bennett

Date Introduced: February 10, 2016

Referred To: House Corporations

(Attorney General)

It is enacted by the General Assembly as follows:

1 SECTION 1. Section 27-19-6 of the General Laws in Chapter 27-19 entitled "Nonprofit
2 Hospital Service Corporations" is hereby amended to read as follows:

3 **27-19-6. Rates charged subscribers -- Reserves. --** (a) ~~Public hearings~~ General: - The
4 rates proposed to be charged or a rating formula proposed to be used by any corporation
5 organized under this chapter to employers, the state or any political subdivision of the state, or
6 individuals, shall be filed by the corporation at the office of the health insurance commissioner
7 (hereinafter referred to as the "commissioner"). ~~Within sixty (60) days after receipt of the~~
8 ~~application, the commissioner, or his or her designee shall hold a hearing on all rates proposed for~~
9 ~~health insurance coverage offered in the individual market as defined in § 27-18.5-2 upon not less~~
10 ~~than ten (10) days written notice prior to the hearing. With regard to any other rates subject to the~~
11 ~~commissioner's jurisdiction the commissioner, or his or her designee, may hold a hearing upon~~
12 ~~not less than ten (10) days written notice prior to the hearing. The notice shall be published by the~~
13 ~~commissioner in a newspaper or newspapers having aggregate general circulation throughout the~~
14 ~~state at least ten (10) days prior to the hearing. The notice shall contain a description of the rates~~
15 ~~proposed to be charged and a copy of the notice shall be sent to the applicant and to the~~
16 ~~department of the attorney general. In addition, the applicant shall provide by mail, at least ten~~
17 ~~(10) days prior to the hearing, notice of the proposed rate increase for health insurance coverage~~
18 ~~offered in the individual market as defined in § 27-18.5-2 to all subscribers subject to the~~

1 ~~proposed rate increase.~~

2 (b) Public hearings: Within ten (10) days after receipt of a filing, the commissioner shall
3 determine, subject to the provisions of section (f) of this section, whether they intend to hold a
4 public meeting or a public hearing at which time notice of such determination shall be sent to the
5 insurance advocacy unit of the attorney general. Any such public hearing shall commence within
6 sixty (60) days after receipt of the application, upon not less than ten (10) days written notice
7 prior to the hearing, published by the commissioner in a newspaper or newspapers having
8 aggregate general circulation throughout the state at least ten (10) days prior to the hearing. The
9 notice shall contain a description of the rates proposed to be charged and a copy of the notice
10 shall be sent to the applicant and to the department of the attorney general. In the event there is a
11 public hearing, the attorney general may engage the services of any expert or consultant
12 necessary to assist in reviewing the filing, including having the ability to seek additional relevant
13 information from the filer. All public hearings held pursuant to this section shall be held in
14 accordance with the provisions of chapter 35 of title 42 (administrative procedures act).

15 ~~(b)(c)~~ Filings with the Attorney General's Office: - The applicant shall provide a copy of
16 the filing on all rates proposed for health insurance coverage offered in the individual market as
17 defined in § 27-18.5-2 to the Insurance Advocacy Unit of the Attorney General's Office
18 simultaneously with the filing at the office of the health insurance commissioner.

19 ~~(e)(d)~~ Procedures: - ~~At any hearing held under this section, the applicant shall be required~~
20 ~~to establish that the rates proposed to be charged or the rating formula to be used are consistent~~
21 ~~with the proper conduct of its business and with the interest of the public.~~

~~Rates proposed to be charged by any corporation organized under this chapter shall be~~
23 ~~sufficient to maintain total reserves in a dollar amount sufficient to pay claims and operating~~
24 ~~expenses for not less than one month. Those reserves shall be computed as of each December~~
25 ~~31st, and a report setting forth the computation shall be submitted to the commissioner together~~
26 ~~with the corporation's Rhode Island annual statement to the commissioner. Any documents~~
27 ~~presented in support of a filing of proposed rates under this section shall be made available for~~
28 ~~inspection by any party entitled to participate in a hearing or admitted as an intervenor in a~~
29 ~~hearing or such conditions as the commissioner may prescribe provided under this section at a~~
30 ~~time and at a place as the commissioner may deem reasonable. The commissioner, or his or her~~
31 ~~designee, upon the hearing, may administer oaths, examine and cross-examine witnesses, receive~~
32 ~~oral and documentary evidence, and shall have the power to subpoena witnesses, compel their~~
33 ~~attendance, and require the production of books, papers, records, correspondence, or other~~
34 ~~documents which he or she deems relevant. The commissioner shall issue a decision as soon as is~~

1 ~~reasonably possible following the completion of the hearing. The decision may approve,~~
2 ~~disapprove, or modify the rates proposed to be charged by the applicant. Applicants requesting~~
3 ~~changes in rates shall underwrite the reasonable expenses of the commissioner in connection with~~
4 ~~the hearing, including any costs related to advertisements, stenographic reporting, and expert~~
5 ~~witnesses fees.~~

6 (1) The applicant shall be required to establish that the rates proposed to be charged are
7 consistent with the proper conduct of its business and with the interest of the public.

8 (2) Any documents presented in support of a filing of proposed rates under this section
9 shall be made available for public examination at a time and place that the commissioner may
10 deem reasonable.

11 (3) If a public hearing is held pursuant to subsection (b) of this section, the commissioner,
12 or their designee, upon the hearing, may administer oaths, examine and cross-examine witnesses,
13 receive oral and documentary evidence, and shall have the power to subpoena witnesses, compel
14 their attendance, and require the production of books, papers, records, correspondence, or other
15 documents which they deem relevant. Any designee who shall conduct a hearing pursuant to this
16 section shall report their findings in writing to the commissioner within a reasonable time
17 following the conclusion of the hearing with a recommendation for approval, disapproval, or
18 modification of the rates proposed to be charged by the applicant. The commissioner shall make
19 and issue a decision not later than ten (10) days following the issuance of the recommended
20 decision or, if the commissioner hears the application without the appointment of a designee, as
21 soon as is reasonably possible following the completion of the hearing on the proposed rate
22 change. The decision may approve, disapprove, or modify the rates proposed to be charged by the
23 applicant.

24 ~~(d)~~(e) The term "designee" as used in this section shall mean a person who is impartial, a
25 member in good standing of the Rhode Island bar and a person who is sufficiently acquainted
26 with the rules of evidence as used in the superior court of the state so as to enable that person to
27 conduct a hearing as designee of the commissioner. The reasonable per diem cost of the designee
28 as appointed by the commissioner shall be paid by the applicant requesting changes in the rates.

29 (f) Notwithstanding any provision of this section to the contrary, the commissioner shall
30 hold a public hearing in any instance where the applicant covers ten thousand (10,000) or more
31 enrolled individuals in the individual market, and the rates proposed in the filing for the annual
32 rate increase for products offered in the individual market produce an overall average rate
33 increase of ten percent (10%) or more. The commissioner shall require that any filing for a rate
34 increase for products offered in the individual market shall include the calculation of the "overall

1 average rate increase" in order to determine whether a public hearing is required.

2 (1) For the purposes of this section, the calculation of the "overall average rate increase"
3 shall be based on the overall average increase percent weighted by member premiums, excluding
4 the effects of age scale increases. To calculate the overall average rate increase, the applicant
5 shall multiply the proposed rate increase by product times the total monthly renewing premium
6 for each product, and then divide the product by the sum of monthly renewing premiums for all
7 products. The commissioner shall require this calculation to be provided as part of the applicant's
8 individual market rate filing.

9 (g) In the event that subsection (f) of this section in combination with §42-62-13(b)
10 would result in more than one public hearing in any given calendar year, the commissioner may
11 defer one or more public hearing(s) for an applicant resulting from subsection (f) of this section
12 or §42-62-13(b) until the subsequent calendar year, with the provision that one of the deferred
13 applicants shall be required to have a public hearing in the subsequent year, whether or not the
14 applicants' filing satisfies the requirements of subsection (f) of this section or §42-62-13(b) in that
15 subsequent calendar year.

16 (h) The commissioner shall notify the attorney general of the filing(s) to be deferred and
17 the attorney general shall be given the opportunity to provide written comments and
18 recommendations to the commissioner regarding any such filing(s) deferred in accordance with
19 subsection (g) of this section.

20 (i) Notwithstanding any other provision of law, the filing of proposed rates or a rating
21 formula and the holding and conducting of any public hearing in connection with these proposed
22 rates or rating formula shall be held in accordance with the provisions of chapter 35 of title 42
23 (administrative procedures act).

24 (j) Public comment. Whether or not a public hearing is held pursuant to subsection (f) of
25 this section, the commissioner shall solicit public comment regarding the rates proposed to be
26 charged. Public comment shall be solicited upon not less than ten (10) days written notice prior to
27 the date that either:

28 (1) A public meeting at which verbal comments may be provided; or

29 (2) That written comment must be received by the commissioner. The notice shall contain
30 a description of the rates proposed to be charged or the formula proposed to be used, and a copy
31 of the notice shall be sent to the applicant and to the insurance advocacy unit of the department of
32 attorney general. The attorney general shall be permitted to conduct discovery in relation to the
33 actuarial analysis and actuarial assumptions of the filer regarding any filing in the individual
34 market as defined in §27-18.5-2. Any documents presented in support of the filing under this

1 section shall be made available for public examination at a time and place that the commissioner
2 may deem reasonable.

3 (k) The applicant shall bear reasonable expenses of the commissioner in connection with
4 a filing made pursuant to this section, including any costs related to advertisements, stenographic
5 reporting, and expert fees, regardless of whether a public hearing is held. The applicant shall bear
6 reasonable expenses of the attorney general in relation to any public hearing conducted pursuant
7 to this section. The applicant shall bear reasonable expenses of the attorney general in relation to
8 any filing in the individual market that is not subject to a public hearing.

9 SECTION 2. Section 27-20-6 of the General Laws in Chapter 27-20 entitled "Nonprofit
10 Medical Service Corporations" is hereby amended to read as follows:

11 **27-20-6. Rates charged subscribers -- Reserves -- Hearing by director.** -- (a) **Public**
12 **hearings** General: - The rates proposed to be charged or a rating formula proposed to be used by
13 any corporation organized under this chapter to its subscribers, employers, the state or any
14 political subdivision of the state, or individuals, shall be filed by the corporation at the office of
15 the health insurance commissioner (hereinafter referred to as the "commissioner"). ~~Within sixty~~
16 ~~(60) days after receipt of the application, the commissioner, or his or her designee, shall hold a~~
17 ~~hearing on all rates proposed for health insurance coverage offered in the individual market as~~
18 ~~defined in § 27-18.5-2 upon not less than ten (10) days written notice prior to the hearing. With~~
19 ~~regard to any other rates or rating formula subject to the commissioner's jurisdiction the~~
20 ~~commissioner, or his or her designee, may hold a hearing upon not less than ten (10) days written~~
21 ~~notice prior to the hearing. The notice shall be published by the commissioner in a newspaper or~~
22 ~~newspapers having aggregate general circulation throughout the state at least ten (10) days prior~~
23 ~~to the hearing. The notice shall contain a description of the rates proposed to be charged and a~~
24 ~~copy of the notice shall be sent to the applicant and to the department of the attorney general. In~~
25 ~~addition, the applicant shall provide by mail, at least ten (10) days prior to the hearing, notice of~~
26 ~~the proposed rate increase for health insurance coverage offered in the individual market as~~
27 ~~defined in § 27-18.5-2 to all subscribers subject to the proposed rate increase.~~

28 (b) Public hearings: Within ten (10) days after receipt of a filing, the commissioner shall
29 determine, subject to the provisions of section (f) of this section, whether they intend to hold a
30 public meeting or a public hearing at which time notice of such determination shall be sent to the
31 insurance advocacy unity of the attorney general. Any such public hearing shall commence within
32 sixty (60) days after receipt of the application, upon not less than ten (10) days written notice
33 prior to the hearing, published by the commissioner in a newspaper or newspapers having
34 aggregate general circulation throughout the state at least ten (10) days prior to the hearing. The

1 notice shall contain a description of the rates proposed to be charged and a copy of the notice
2 shall be sent to the applicant and to the department of the attorney general. In the event there is a
3 public hearing, the attorney general may engage the services of any expert or consultant
4 necessary to assist in reviewing the filing, including having the ability to seek additional relevant
5 information from the filer. All public hearings held pursuant to this section shall be held in
6 accordance with the provisions of chapter 35 of title 42 (administrative procedures act).

7 ~~(b)(c)~~ Filings with the Attorney General's Office: - The applicant shall provide a copy of
8 the filing on all rates proposed for health insurance coverage offered in the individual market as
9 defined in § 27-18.5-2 or for a Medicare supplement policy as defined in § 27-18.2-1 to the
10 Insurance Advocacy Unit of the Attorney General's Office simultaneously with the filing at the
11 office of the health insurance commissioner.

12 ~~(e)(d)~~ Procedures: - ~~At any hearing held under this section, the applicant shall be required~~
13 ~~to establish that the rates proposed to be charged or the rating formula proposed to be used are~~
14 ~~consistent with the proper conduct of its business and with the interest of the public.~~

15 ~~Rates proposed to be charged by any corporation organized under this chapter shall~~
16 ~~maintain total reserves in a dollar amount sufficient to pay claims and operating expenses for not~~
17 ~~less than one month. Those reserves shall be computed as of each December 31st, and a report~~
18 ~~setting forth the computation shall be submitted to the commissioner together with the~~
19 ~~corporation's Rhode Island annual statement to the insurance commissioner of the state of Rhode~~
20 ~~Island. Any documents presented in support of a filing of proposed rates under this section shall~~
21 ~~be made available for inspection by any party entitled to participate in a hearing or admitted as an~~
22 ~~intervenor in a hearing on such conditions as the commissioner may prescribe provided pursuant~~
23 ~~to this section at a time and at a place as the commissioner may deem reasonable. The~~
24 ~~commissioner, or his or her designee, upon the hearing, may administer oaths, examine and cross~~
25 ~~examine witnesses, receive oral and documentary evidence, and shall have the power to subpoena~~
26 ~~witnesses, compel their attendance, and require the production of books, papers, records,~~
27 ~~correspondence, or other documents which the director deems relevant. The commissioner shall~~
28 ~~issue a decision as soon as is reasonably possible following completion of the hearing. The~~
29 ~~decision may approve, disapprove, or modify the rates proposed to be charged by the applicant.~~
30 ~~Applicants requesting changes in rates shall underwrite the reasonable expenses of the~~
31 ~~commissioner in connection with the hearing, including any costs related to advertisements,~~
32 ~~stenographic reporting, and expert witnesses fees.~~

33 (1) The applicant shall be required to establish that the rates proposed to be charged are
34 consistent with the proper conduct of its business and with the interest of the public.

1 (2) Any documents presented in support of a filing of proposed rates under this section
2 shall be made available for public examination at a time and place that the commissioner may
3 deem reasonable.

4 (3) If a public hearing is held pursuant to subsection (b) of this section, the commissioner,
5 or their designee, upon the hearing, may administer oaths, examine and cross-examine witnesses,
6 receive oral and documentary evidence, and shall have the power to subpoena witnesses, compel
7 their attendance, and require the production of books, papers, records, correspondence, or other
8 documents which they deem relevant. Any designee who shall conduct a hearing pursuant to this
9 section shall report their findings in writing to the commissioner within a reasonable time
10 following the conclusion of the hearing with a recommendation for approval, disapproval, or
11 modification of the rates proposed to be charged by the applicant. The commissioner shall make
12 and issue a decision not later than ten (10) days following the issuance of the recommended
13 decision or, if the commissioner hears the application without the appointment of a designee, as
14 soon as is reasonably possible following the completion of the hearing on the proposed rate
15 change. The decision may approve, disapprove, or modify the rates proposed to be charged by the
16 applicant.

17 ~~(d)~~(e) The term "designee" as used in this section shall mean a person who is impartial, a
18 member in good standing of the Rhode Island bar and a person who is sufficiently acquainted
19 with the rules of evidence as used in the superior court of the state so as to enable that person to
20 conduct a hearing as designee of the commissioner. The reasonable per diem cost of the designee
21 as appointed by the commissioner shall be paid by the applicant requesting changes in the rates.

22 (f) Notwithstanding any provision of this section to the contrary, the commissioner shall
23 hold a public hearing in any instance where the applicant covers ten thousand (10,000) or more
24 enrolled individuals in the individual market, and the rates proposed in the filing for the annual
25 rate increase for products offered in the individual market produce an overall average rate
26 increase of ten percent (10%) or more. The commissioner shall require that any filing for a rate
27 increase for products offered in the individual market shall include the calculation of the "overall
28 average rate increase" in order to determine whether a public hearing is required.

29 (1) For the purposes of this section, the calculation of the "overall average rate increase"
30 shall be based on the overall average increase percent weighted by member premiums, excluding
31 the effects of age scale increases. To calculate the overall average rate increase, the applicant
32 shall multiply the proposed rate increase by product times the total monthly renewing premium
33 for each product, and then divide the product by the sum of monthly renewing premiums for all
34 products. The commissioner shall require this calculation to be provided as part of the applicant's

1 individual market rate filing.

2 (g) In the event that subsection (f) of this section in combination with §42-62-13(b)
3 would result in more than one public hearing in any given calendar year, the commissioner may
4 defer one or more public hearing(s) for an applicant resulting from subsection (f) of this section
5 or §42-62-13(b) until the subsequent calendar year, with the provision that one of the deferred
6 applicants shall be required to have a public hearing in the subsequent year, whether or not the
7 applicants' filing satisfies the requirements of subsection (f) of this section or §42-62-13(b) in that
8 subsequent calendar year.

9 (h) The commissioner shall notify the attorney general of the filing(s) to be deferred and
10 the attorney general shall be given the opportunity to provide written comments and
11 recommendations to the commissioner regarding any such filing(s) deferred in accordance with
12 subsection (g) of this section.

13 (i) Notwithstanding any other provision of law, the filing of proposed rates or a rating
14 formula and the holding and conducting of any public hearing in connection with these proposed
15 rates or rating formula shall be held in accordance with the provisions of chapter 35 of title 42
16 (administrative procedures act).

17 (j) Public comment. Whether or not a public hearing is held pursuant to subsection (f) of
18 this section, the commissioner shall solicit public comment regarding the rates proposed to be
19 charged. Public comment shall be solicited upon not less than ten (10) days written notice prior to
20 the date that either:

21 (1) A public meeting at which verbal comments may be provided; or

22 (2) That written comment must be received by the commissioner. The notice shall contain
23 a description of the rates proposed to be charged or the formula proposed to be used, and a copy
24 of the notice shall be sent to the applicant and to the insurance advocacy unit of the department of
25 attorney general. The attorney general shall be permitted to conduct discovery in relation to the
26 actuarial analyses and actuarial assumptions of the filer regarding any filing in the individual
27 market as defined in §27-18.5-2. Any documents presented in support of the filing under this
28 section shall be made available for public examination at a time and place that the commissioner
29 may deem reasonable.

30 (k) The applicant shall bear reasonable expenses of the commissioner in connection with
31 a filing made pursuant to this section, including any costs related to advertisements, stenographic
32 reporting, and expert fees, regardless of whether a public hearing is held. The applicant shall bear
33 reasonable expenses of the attorney general in relation to any public hearing conducted pursuant
34 to this section. The applicant shall bear reasonable expenses of the attorney general relation to

1 [any filing in the individual market that is not subject to a public hearing.](#)

2 SECTION 3. Section 42-62-13 of the General Laws in Chapter 42-62 entitled
3 "Catastrophic Health Insurance Plan Act" is hereby amended to read as follows:

4 **42-62-13. Rates charged.** -- (a) ~~The rates proposed to be charged or a rating formula~~
5 ~~proposed to be used by any insurer or health maintenance organization under this section to~~
6 ~~employers, the state or any political subdivision of the state, or individuals, shall be filed by the~~
7 ~~insurer or health maintenance organization at the office of the director of business regulation.~~
8 ~~This section does not apply to any entity subject to § 27-19-1 et seq., and/or § 27-20-1 et seq. The~~
9 ~~rates proposed to be charged by those entities shall be governed by the provisions of § 27-19-1 et~~
10 ~~seq., and/or § 27-20-1 et seq. Within sixty (60) days after receipt of the application, the director,~~
11 ~~or the director's designee, may hold a hearing upon not less than ten (10) days' written notice~~
12 ~~prior to the hearings. The notice shall contain a description of the rates proposed to be charged,~~
13 ~~and a copy of the notice shall be sent to the applicant and to the consumer protection unit of the~~
14 ~~department of attorney general. At any hearing held under this section, the applicant shall be~~
15 ~~required to establish that the rates proposed to be charged or the rating formula proposed to be~~
16 ~~used are consistent with the proper conduct of its business and with the interest of the public. Any~~
17 ~~documents presented in support of a filing of proposed rates under this section shall be made~~
18 ~~available for public examination at any time and place that the director may deem reasonable. The~~
19 ~~director, or the director's designee, upon that hearing may administer oaths, examine and cross-~~
20 ~~examine witnesses, receive oral and documentary evidence, and shall have the power to subpoena~~
21 ~~witnesses, compel their attendance and require the production of all books, papers, records,~~
22 ~~correspondence, or other documents which he or she deems relevant. Any designee who shall~~
23 ~~conduct a hearing pursuant to this section shall report his or her findings in writing to the director~~
24 ~~within eighty (80) days of the filing with a recommendation for approval, disapproval, or~~
25 ~~modification of the rates proposed to be charged by the applicant. The recommended decision~~
26 ~~shall become part of the record. The director shall make and issue a decision not later than ten~~
27 ~~(10) days following the issuance of the recommended decision or, if the director hears the~~
28 ~~application without the appointment of a designee, as soon as is reasonably possible following the~~
29 ~~completion of the hearing on the proposed rate change. The decision may approve, disapprove, or~~
30 ~~modify the rates proposed to be charged by the applicant. Insurers requesting changes in rates~~
31 ~~shall underwrite the reasonable expenses of the department of business regulation in connection~~
32 ~~with the hearing, including any costs related to advertisements, stenographic reporting, and expert~~
33 ~~witnesses fees. Notwithstanding any other provisions of law, the filing of proposed rates or a~~
34 ~~rating formula and the holding and conduct of any hearings in connection with these proposed~~

1 ~~rates or rating formula shall be pursuant to this section.~~

2 ~~(b) Whenever the term "designee" is used in this section, it shall mean a person who is~~
3 ~~impartial, a member in good standing of the Rhode Island bar and a person who is sufficiently~~
4 ~~acquainted with the rules of evidence as used in the superior court of the state so as to enable that~~
5 ~~person to conduct a hearing as designee of the director. The reasonable per diem cost of the~~
6 ~~designee as appointed by the director shall be paid by the insurers requesting changes in the rates.~~

7 The rates proposed to be charged or a rating formula proposed to be used by any health
8 insurer, dental insurer, or health maintenance organization subject to title 27 to employers, the
9 state or any political subdivision of the state, or individuals, shall be filed at the office of the
10 health insurance commissioner (hereinafter referred to as the "commissioner"). The rates
11 proposed to be used by any health insurer, dental insurer, or health maintenance organization in
12 the individual market as defined in §27-18.5-2 shall be filed at the office the of the health
13 insurance commissioner and simultaneously with the attorney general's insurance advocacy unit.
14 The applicant shall be required to establish that the rates proposed to be charged or the rating
15 formula proposed to be used are consistent with the proper conduct of its business and with the
16 interest of the public. Within ten (10) days after receipt of the filing the commissioner shall
17 determine, subject to subsection (b) of this section, whether they intend to hold a public meeting
18 or a public hearing at which time notice of such determination shall be sent to the insurance
19 advocacy unit of the attorney general. In the event there is a public hearing, the attorney general
20 may engage the services of any expert or consultant necessary to assist in reviewing the filing,
21 including having the ability to seek additional relevant information from the filer. Any such
22 public hearing shall commence within sixty (60) days after receipt of the filing. The
23 commissioner, or the commissioner's designee, may hold a hearing upon not less than ten (10)
24 days' prior written notice to the public in a newspaper or newspapers having aggregate general
25 circulation throughout the state. The notice shall contain a description of the rates proposed to be
26 charged, and a copy of the notice shall be sent to the applicant and to the insurance advocacy unit
27 of the department of attorney general. Any documents presented in support of the filing under this
28 section shall be made available for public examination at any time and place that the
29 commissioner may deem reasonable.

30 (b) Notwithstanding any provision of this section to the contrary, the commissioner shall
31 hold a public hearing in any instance where the applicant covers ten thousand (10,000) or more
32 enrolled individuals in the individual market, and the rates proposed in the filing for the annual
33 rate increase for products offered in the individual market produce an overall average rate
34 increase of ten percent (10%) or more. The commissioner shall require that any filing for a rate

1 increase for products offered in the individual market shall include the calculation of the "overall
2 average rate increase" in order to determine whether a public hearing is required.

3 (1) For the purposes of this section, the calculation of the "overall average rate increase"
4 shall be based on the overall average increase percent weighted by member premiums, excluding
5 the effects of age scale increases. To calculate the overall average rate increase, the applicant
6 shall multiply the proposed rate increase by product times the total monthly renewing premium
7 for each product, and then divide the product by the sum of monthly renewing premiums for all
8 products. The commissioner shall require this calculation to be provided as part of the applicant's
9 individual market rate filing.

10 (c) In the event that subsection (b) of this section in combination with §§27-19-6(f) and
11 27-20-6(f) would result in more than one public hearing in any given calendar year, the
12 commissioner may defer one or more public hearing(s) for applicant(s) resulting from subsection
13 (b) or §§27-19-6(f) and 27-20-6(f) until the subsequent calendar year, with the provision that one
14 of the deferred applicants shall be required to have a public hearing in the subsequent year
15 whether or not it satisfies the requirements of subsection (b) or §§27-19-6(f) and 27-20-6(f) for
16 that subsequent calendar year.

17 (d) The commissioner shall notify the attorney general of the filing(s) to be deferred and
18 the attorney general shall be given the opportunity to provide written comments and
19 recommendations to the commissioner regarding any such filing(s) that is deferred in accordance
20 with subsection (c) of this section.

21 (e) Public Hearings. If a public hearing is held pursuant to subsection (b) of this section,
22 the commissioner, or the commissioner's designee, upon that hearing may administer oaths,
23 examine and cross-examine witnesses, receive oral and documentary evidence, and shall have the
24 power to subpoena witnesses, compel their attendance and require the production of all books,
25 papers, records, correspondence, or other documents which they deem relevant. The public
26 hearing shall be held in accordance with the provisions of chapter 35 of title 42 (administrative
27 procedures act). Any designee who shall conduct a hearing pursuant to this section shall report
28 their findings in writing to the commissioner within a reasonable time following the conclusion of
29 the hearing with a recommendation for approval, disapproval, or modification of the rates
30 proposed to be charged by the applicant. The recommended decision shall become part of the
31 record. The commissioner shall make and issue a decision not later than ten (10) days following
32 the issuance of the recommended decision or, if the commissioner hears the application without
33 the appointment of a designee, as soon as is reasonably possible following the completion of the
34 hearing on the proposed rate change. The decision may approve, disapprove, or modify the filing.

1 (f) Notwithstanding any other provisions of law, the filing of proposed rates or a rating
2 formula and the holding and conducting of any public hearing in connection with these proposed
3 rates or rating formula of any health insurer, dental insurer, or health maintenance organization
4 subject to title 27 shall be held in accordance with the provisions of chapter 35 of title 42.

5 (g) Whenever the term "designee" is used in this section, it shall mean a person who is
6 impartial, a member in good standing of the Rhode Island bar and a person who is sufficiently
7 acquainted with the rules of evidence as used in the superior court of the state so as to enable that
8 person to conduct a hearing as designee of the director. The reasonable per diem cost of the
9 designee as appointed by the director shall be paid by the insurers requesting changes in the rates.

10 (h) Public comment. Whether or not a public hearing is held pursuant to subsection (b) of
11 this section, the commissioner shall solicit public comment regarding the rates proposed to be
12 used. Public comment shall be solicited upon not less than ten (10) days written notice prior to the
13 date that either:

14 (1) A public meeting at which verbal comments may be provided; or

15 (2) That written comment must be received by the commissioner. The notice shall contain
16 a description of the rates proposed to be charged, and a copy of the notice shall be sent to the
17 applicant and to the insurance advocacy unit of the department of attorney general. The attorney
18 general shall be permitted to conduct discovery in relation to the actuarial analysis and actuarial
19 assumptions of the filer regarding any filing in the individual market as defined in §27-18.5-2.
20 Any documents presented in support of the filing under this section shall be made available for
21 public examination at a time and place that the commissioner may deem reasonable.

22 (i) The applicant shall bear reasonable expenses of the commissioner in connection with a
23 filing made pursuant to this section, including any costs related to advertisements, stenographic
24 reporting, and expert fees, regardless of whether a public hearing is held. The applicant shall bear
25 reasonable expenses of the attorney general in relation to any public hearing conducted pursuant
26 to this section. The applicant shall bear reasonable expenses of the attorney general in relation to
27 any filing in the individual market that is not subject to a public hearing.

28 SECTION 4. This act shall take effect on January 1, 2017, and shall sunset on January 1,
29 2021.

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LC004471/SUB A
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EXPLANATION
BY THE LEGISLATIVE COUNCIL
OF

A N A C T

RELATING TO STATE AFFAIRS AND GOVERNMENT - CATASTROPHIC HEALTH
INSURANCE PLAN ACT

1 This act would create a uniform rate review procedure for rates proposed to be changed
2 or rating formulas proposed to be used by nonprofit hospital service corporations, nonprofit
3 medical services corporations and the catastrophic health insurance plan requiring public hearings
4 or public meetings with the applicant bearing the reasonable expenses of the filing. This act
5 would not limit the appeal rights of any person or entity that had the right to appeal a final
6 decision of the commissioner under the applicable provisions of titles 27 and 42 relating to health
7 insurance.

8 This act would take effect on January 1, 2017, and shall sunset on January 1, 2021.

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LC004471/SUB A
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