

NOTICE OF PUBLIC HEARING
OFFICE OF THE COMMISSIONER OF INSURANCE

The Office of the Commissioner of Insurance (OCI) announces that it will hold a second public hearing on the Permanent Rule for Ch. INS 19, Wis. Adm. Code, relating to the Wisconsin Healthcare Stability Plan. In accordance with s. 227.17, Stats., the Commissioner of Insurance (Commissioner) is seeking public input through the hearing and comment period regarding the content of the proposed rule.

Hearing Information:

Date: April 5, 2021
Time: 11:00 am
Location: Zoom Meeting

<https://us02web.zoom.us/j/81438580106?pwd=eUsrbWQxSVVzVjM5WIFLQS9tcGU5dz09>

Meeting ID: 814 3858 0106
Passcode: 007701
One tap mobile
+13126266799,,81438580106# US (Chicago)
+16465588656,,81438580106# US (New York)

Accessibility:

Pursuant to the American with Disabilities Act reasonable accommodations including the provision of informational materials in an alternative format, will be provided for individuals with disabilities upon request. Please call Karyn Culver at (608) 267-9586 with specific information on your request at least 5 days before the date of the hearing. There is also handicap access to the hearing location.

Appearances at the Hearing and Submittal of Written Comments:

Persons wishing to testify or provide oral or written comments regarding the Permanent Rule for the proposed administrative rule may appear during the hearing. Additionally, comments may be submitted at <https://docs.legis.wisconsin.gov/code>.

For additional information please contact Julie E. Walsh at (608) 264-8101 or email at Julie.Walsh@wisconsin.gov in the OCI Legal Unit.

Deadline for submitting comments is April 15, 2021, by 4:00 pm.

Initial Regulatory Flexibility Analysis:

The proposed permanent rule codifies the emergency rule with the addition of a few requested clarifications. The emergency rule has had a positive effect on licensed insurers offering individual health insurance based on the 2019, 2020, and 2021 benefit year payment parameters under the statute and emergency rule. Individual health insurance offered is required to meet the requirements of the Patient Protection and Affordable Care Act of 2010, as amended. Additionally, the emergency rule and the WIHSP reinsurance program have, to date,

positively affected Wisconsin consumers purchasing individual health insurance either off the exchange or through the federal exchange. It is anticipated to have a continuing positive impact for insurers and Wisconsin consumers.

The enabling legislation, 2017 Wis. Act 138, established an appropriation not to exceed \$200 million from all revenue sources for WIHSP. Each year, the federal government allocates several million dollars to the program and the state pays the remaining amount needed to cover WIHSP claims. In 2019, the state received \$127,726,259 in federal funds to support the program and \$141,955,424 in 2020. The 2021 federal dollar amount is anticipated to be announced in early 2021.

WIHSP has resulted in year over year premium decreases. In 2019, rates were, on average, 4.2% lower than in 2018; 2020 rates were 3.2% lower than in 2019; and 2021 rates are 3.4% lower than 2020 rates. One carrier identified that the Wisconsin Healthcare Stability Plan and the current that the Wisconsin Healthcare Stability Plan and the current payment parameters allowed the carrier to decrease insurance premiums by approximately 9.5% across all levels, to more than 22,000 members throughout the state. Importantly, the comment noted that those individuals not eligible for federal assistance whose incomes exceeds 400% of the poverty level experienced meaningful savings. The carrier further commented that the WIHSP program has provided stability to a vulnerable market and adds protection against adverse selection.

Agency Small Business Regulatory Coordinator:

The OCI small business coordinator is Kristina Thole and she may be reached at Kristina.Thole@wisconsin.gov or (608) 264-6232.

This Notice of Public Hearing
is approved on March __, 2021.

Nathan D. Houdek
Deputy Commissioner of Insurance