

2016 -- S 2209

=====  
LC003610  
=====

STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2016

—————  
A N A C T

RELATING TO INSURANCE - RATE REVIEW ACT

Introduced By: Senator Maryellen Goodwin

Date Introduced: January 27, 2016

Referred To: Senate Health & Human Services

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~~  
19 ~~proposed rate increase.~~

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

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

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

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

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

26           (3) If a public hearing is held pursuant to subsection (b) of this section, the commissioner  
27 or designee, upon the hearing, may administer oaths, examine and cross-examine witnesses,  
28 receive oral and documentary evidence, and shall have the power to subpoena witnesses, compel  
29 their attendance, and require the production of books, papers, records, correspondence, or other  
30 documents which they deem relevant. Any designee who shall conduct a hearing pursuant to this  
31 section shall report their findings in writing to the commissioner within a reasonable time  
32 following the conclusion of the hearing with a recommendation for approval, disapproval, or  
33 modification of the rates proposed to be charged by the applicant. The commissioner shall make  
34 and issue a decision not later than ten (10) days following the issuance of the recommended

1 decision or, if the commissioner hears the application without the appointment of a designee, as  
2 soon as is reasonably possible following the completion of the hearing on the proposed rate  
3 change. The decision may approve, disapprove, or modify the rates proposed to be charged by the  
4 applicant.

5 ~~Rates proposed to be charged by any corporation organized under this chapter shall be~~  
6 ~~sufficient to maintain total reserves in a dollar amount sufficient to pay claims and operating~~  
7 ~~expenses for not less than one month. Those reserves shall be computed as of each December~~  
8 ~~31st, and a report setting forth the computation shall be submitted to the commissioner together~~  
9 ~~with the corporation's Rhode Island annual statement to the commissioner. Any documents~~  
10 ~~presented in support of a filing of proposed rates under this section shall be made available for~~  
11 ~~inspection by any party entitled to participate in a hearing or admitted as an intervenor in a~~  
12 ~~hearing or such conditions as the commissioner may prescribe provided under this section at a~~  
13 ~~time and at a place as the commissioner may deem reasonable. The commissioner, or his or her~~  
14 ~~designee, upon the hearing, may administer oaths, examine and cross-examine witnesses, receive~~  
15 ~~oral and documentary evidence, and shall have the power to subpoena witnesses, compel their~~  
16 ~~attendance, and require the production of books, papers, records, correspondence, or other~~  
17 ~~documents which he or she deems relevant. The commissioner shall issue a decision as soon as is~~  
18 ~~reasonably possible following the completion of the hearing. The decision may approve,~~  
19 ~~disapprove, or modify the rates proposed to be charged by the applicant. Applicants requesting~~  
20 ~~changes in rates shall underwrite the reasonable expenses of the commissioner in connection with~~  
21 ~~the hearing, including any costs related to advertisements, stenographic reporting, and expert~~  
22 ~~witnesses fees.~~

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

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

1           (1) For the purposes of this section, the calculation of the "overall average rate increase"  
2 shall be based on the proposed essential health benefit base rate for a twenty-one (21) year old at  
3 a silver actuarial value of seventy percent (70%), hereinafter referred to as the "EHB base rate".  
4 To calculate the overall average rate increase, the applicant shall divide the proposed EHB base  
5 rate by the EHB base rate approved in the prior year. The commissioner shall require this  
6 calculation to be provided as part of the applicant's individual market rate filing.

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

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

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

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

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

27           (2) That written comment must be received by the commissioner.

28           (i) The notice shall contain a description of the rates proposed to be charged or the  
29 formula proposed to be used, and a copy of the notice shall be sent to the applicant and to the  
30 insurance advocacy unit of the department of attorney general.

31           (3) The attorney general shall be permitted to conduct discovery in relation to the  
32 actuarial analysis and actuarial assumptions of the filer regarding any filing in the individual  
33 market as defined in §27-18.5-2. Any documents presented in support of the filing under this  
34 section shall be made available for public examination at a time and place that the commissioner

1 may deem reasonable.

2 (k) The applicant shall bear the reasonable expenses of the commissioner in connection  
3 with a filing made pursuant to this section, including any costs related to advertisements,  
4 stenographic reporting, and expert fees, regardless of whether a public hearing is held. The  
5 applicant shall bear the reasonable expenses of the attorney general in relation to any public  
6 hearing conducted pursuant to this section. The applicant shall bear the reasonable expenses of  
7 the attorney general in relation to any filing in the individual market that is not subject to a public  
8 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 unit 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~~  
13 ~~required to establish that the rates proposed to be charged or the rating formula proposed to be~~  
14 ~~used are 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 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 proposed essential health benefit base rate for a twenty-one (21) year old at  
31 a silver actuarial value of seventy percent (70%), hereinafter referred to as the "EHB base rate".  
32 To calculate the overall average rate increase, the applicant shall divide the proposed EHB base  
33 rate by the EHB base rate approved in the prior year. The commissioner shall require this  
34 calculation to be provided as part of the applicant's individual market rate filing.

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

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

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

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

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

21 (2) That written comment must be received by the commissioner.

22 (i) The notice shall contain a description of the rates proposed to be charged or the  
23 formula proposed to be used, and a copy of the notice shall be sent to the applicant and to the  
24 insurance advocacy unit of the department of attorney general.

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



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

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

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

1 ~~rating formula and the holding and conduct of any hearings in connection with these proposed~~  
2 ~~rates or rating formula shall be pursuant to this section.~~

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

8 The rates proposed to be charged or a rating formula proposed to be used by any health  
9 insurer, dental insurer, or health maintenance organization subject to title 27 to employers, the  
10 state or any political subdivision of the state, or individuals, shall be filed at the office of the  
11 health insurance commissioner (hereinafter referred to as the "commissioner"). The rates  
12 proposed to be used by any health insurer, dental insurer, or health maintenance organization in  
13 the individual market as defined in §27-18.5-2 shall be filed at the office of the commissioner and  
14 simultaneously with the attorney general's insurance advocacy unit. 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.  
17 Within ten (10) days after receipt of the filing the commissioner shall determine, subject to  
18 subsection (b) of this section, whether to hold a public meeting or a public hearing at which time  
19 notice of such determination shall be sent to the insurance advocacy unit of the attorney general.  
20 In the event there is a public hearing, the attorney general may engage the services of any expert  
21 or consultant necessary to assist in reviewing the filing, including having the ability to seek  
22 additional relevant information from the filer. Any such public hearing shall commence within  
23 sixty (60) days after receipt of the filing. The commissioner, or the commissioner's designee, may  
24 hold a hearing upon not less than ten (10) days' written notice to the public in a newspaper or  
25 newspapers having aggregate general circulation throughout the state. The notice shall contain a  
26 description of the rates proposed to be charged, and a copy of the notice shall be sent to the  
27 applicant and to the insurance advocacy unit of the department of attorney general. Any  
28 documents presented in support of the filing under this section shall be made available for public  
29 examination at any time and place that the 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 proposed essential health benefit base rate for a twenty-one (21) year old at  
5 a silver actuarial value of seventy percent (70%), hereinafter referred to as the "EHB base rate".  
6 To calculate the overall average rate increase, the applicant shall divide the proposed EHB base  
7 rate by the EHB base rate approved in the prior year. The commissioner shall require this  
8 calculation to be provided as part of the applicant's individual market rate filing.

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

16 (d) 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) that is deferred in accordance  
19 with subsection (c) of this section.

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

34 (f) Notwithstanding any other provisions of law, the filing of proposed rates or a rating

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

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 by written notice not less than ten (10) days 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.

16 (i) The notice shall contain a description of the rates proposed to be charged, and a copy  
17 of the notice shall be sent to the applicant and to the insurance advocacy unit of the department of  
18 attorney general.

19 (3) The attorney general shall be permitted to conduct discovery in relation to the  
20 actuarial analysis and actuarial assumptions of the filer regarding any filing in the individual  
21 market as defined in §27-18.5-2. Any documents presented in support of the filing under this  
22 section shall be made available for public examination at a time and place that the commissioner  
23 may deem reasonable.

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

31 SECTION 4. This act shall take effect on January 1, 2017.

=====  
LC003610  
=====

EXPLANATION  
BY THE LEGISLATIVE COUNCIL  
OF  
A N A C T  
RELATING TO INSURANCE - RATE REVIEW 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.

=====  
LC003610  
=====