

## IDAPA 18 - IDAHO DEPARTMENT OF INSURANCE

### 18.01.29 - RESTRICTIONS ON DISCRETIONARY CLAUSES IN HEALTH INSURANCE CONTRACTS

DOCKET NO. 18-0129-1601

#### NOTICE OF INTENT TO PROMULGATE RULES - NEGOTIATED RULEMAKING

**AUTHORITY:** In compliance with Sections 67-5220(1) and 67-5220(2), Idaho Code, notice is hereby given that this agency intends to promulgate rules and desires public comment prior to initiating formal rulemaking procedures. This negotiated rulemaking action is authorized pursuant to Section(s) 41-211 and 41-4715, Idaho Code.

**MEETING SCHEDULE:** A public meeting on the negotiated rulemaking will be held as follows:

**Thursday, July 21, 2016 at 3:00 p.m.**

**Idaho Department of Insurance  
700 W. State Street – 3rd Floor  
Boise, ID 83720**

The meeting site will be accessible to persons with disabilities, if needed. Requests for accommodation must be made not later than five (5) days prior to the meeting to the agency address below.

**METHOD OF PARTICIPATION:** Interested persons wishing to participate in the negotiated rulemaking must respond to this notice by contacting the undersigned either in writing (paper or email) or by calling the phone number listed below, and/or by attending the public meeting.

Upon conclusion of the negotiated rulemaking, any unresolved issues, all key issues considered, and conclusion reached during the negotiated rulemaking will be addressed in a written summary and made available on the agency website.

**DESCRIPTIVE SUMMARY AND STATEMENT OF PURPOSE:** The following is a statement in nontechnical language of the substance and purpose of the intended negotiated rulemaking and the principal issues involved:

Proposed rulemaking will address “discretionary clauses” in health insurance policies. Currently, the prohibition on the use of discretionary clauses applies to individual policies. We expect to extend the protection against a carrier using discretionary language in their policies to small employers, rather than just providing the protection to individual policy holders. The proposed change will seek to include small employer policies within the scope of the rule by adding the modifier “large” in front of “group coverage offered...” in IDAPA 18.01.29.010.05.

**ASSISTANCE ON TECHNICAL QUESTIONS, SUBMISSION OF WRITTEN COMMENTS, OBTAINING DRAFT COPIES:** For assistance on technical questions concerning this negotiated rulemaking or to obtain a preliminary draft copy of the rule text, contact Thomas A. Donovan, [tom.donovan@doi.idaho.gov](mailto:tom.donovan@doi.idaho.gov) (208) 334-4214. Materials pertaining to the negotiated rulemaking, including any available preliminary rule drafts, can be found on the Idaho Department of Insurance website at the following web address: [www.doi.idaho.gov](http://www.doi.idaho.gov).

Anyone may submit written comments regarding this negotiated rulemaking. All written comments must be directed to the attention of the undersigned and must be delivered either by hard copy or via email to the same email address for questions set forth on or before Wednesday, July 27, 2016.

DATED this 2nd Day of June, 2016

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