

State of Utah
Administrative Rule Analysis
Revised May 2023

NOTICE OF PROPOSED RULE

TYPE OF FILING: Amendment

Title No. - Rule No. - Section No.

Rule or Section Number:

R590-271

Filing ID: Office Use Only

Agency Information

| | | |
|-----------------------------|------------------------------------|-----------------|
| 1. Department: | Insurance | |
| Agency: | Administration | |
| Room number: | Suite 2300 | |
| Building: | Taylorsville State Office Building | |
| Street address: | 4315 S. 2700 W. | |
| City, state and zip: | Taylorsville, UT 84129 | |
| Mailing address: | PO Box 146901 | |
| City, state and zip: | Salt Lake City, UT 84114-6901 | |
| Contact persons: | | |
| Name: | Phone: | Email: |
| Steve Gooch | 801-957-9322 | sgooch@utah.gov |

Please address questions regarding information on this notice to the persons listed above.

General Information

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| 2. Rule or section catchline: |
| R590-271. Data Reporting for Consumer Quality Comparison |
| 3. Purpose of the new rule or reason for the change: |
| The rule is being revised to update references to the UHIN Transparency Administrative Standard and Transparency Denial Standard that are incorporated by reference in the rule, and to update three website addresses. |
| 4. Summary of the new rule or change: |
| The change updates references to two standards that are incorporated by reference in the rule, and updates three addresses for Department websites. |

Fiscal Information

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| 5. Provide an estimate and written explanation of the aggregate anticipated cost or savings to: |
| A) State budget: |
| There is no anticipated cost or savings to the state budget. The changes are largely clerical in nature, and will not change how the department functions. |
| B) Local governments: |
| There is no anticipated cost or savings to local governments. The changes are largely clerical in nature, and will not affect local governments. |
| C) Small businesses ("small business" means a business employing 1-49 persons): |
| There is no anticipated cost or savings to small businesses. The changes are largely clerical in nature, and will not affect small businesses. |
| D) Non-small businesses ("non-small business" means a business employing 50 or more persons): |
| There is no anticipated cost or savings to non-small businesses. The non-small businesses affected by this change are health insurers that are already complying with the changes. This rule codifies updates that are already in use by the industry. |

E) Persons other than small businesses, non-small businesses, state, or local government entities ("person" means any individual, partnership, corporation, association, governmental entity, or public or private organization of any character other than an **agency**):

There is no anticipated cost or savings to any other persons. The changes are largely clerical in nature.

F) Compliance costs for affected persons (How much will it cost an impacted entity to adhere to this rule or its changes?):

There are no compliance costs for any affected persons. The changes are largely clerical in nature. Health insurers affected by this change are already complying with the provisions required by the administrative rule.

G) Regulatory Impact Summary Table (This table only includes fiscal impacts that could be measured. If there are inestimable fiscal impacts, they will not be included in this table. Inestimable impacts will be included in narratives above.)

| Regulatory Impact Table | | | |
|------------------------------|------------|------------|------------|
| Fiscal Cost | FY2024 | FY2025 | FY2026 |
| State Government | \$0 | \$0 | \$0 |
| Local Governments | \$0 | \$0 | \$0 |
| Small Businesses | \$0 | \$0 | \$0 |
| Non-Small Businesses | \$0 | \$0 | \$0 |
| Other Persons | \$0 | \$0 | \$0 |
| Total Fiscal Cost | \$0 | \$0 | \$0 |
| Fiscal Benefits | FY2024 | FY2025 | FY2026 |
| State Government | \$0 | \$0 | \$0 |
| Local Governments | \$0 | \$0 | \$0 |
| Small Businesses | \$0 | \$0 | \$0 |
| Non-Small Businesses | \$0 | \$0 | \$0 |
| Other Persons | \$0 | \$0 | \$0 |
| Total Fiscal Benefits | \$0 | \$0 | \$0 |
| Net Fiscal Benefits | \$0 | \$0 | \$0 |

H) Department head comments on fiscal impact and approval of regulatory impact analysis:

The Commissioner of Insurance, Jonathan T. Pike, has reviewed and approved this regulatory impact analysis.

Citation Information

6. Provide citations to the statutory authority for the rule. If there is also a federal requirement for the rule, provide a citation to that requirement:

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|-------------------|-------------------|--|
| Section 31A-2-201 | Section 31A-2-216 | |
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Incorporations by Reference Information

7. Incorporations by Reference (if this rule incorporates more than two items by reference, please include additional tables):

A) This rule adds, updates, or removes the following title of materials incorporated by references (a copy of materials incorporated by reference must be submitted to the Office of Administrative Rules; *if none, leave blank*):

| | |
|---|--|
| Official Title of Materials Incorporated (from title page) | Transparency Administration Performance Standard |
| Publisher | Utah Health Information Network |
| Issue Date | 11/11/2023 |
| Issue or Version | 2.0 |

B) This rule adds, updates, or removes the following title of materials incorporated by references (a copy of materials incorporated by reference must be submitted to the Office of Administrative Rules; *if none, leave blank*):

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|---|---------------------------------|
| Official Title of Materials Incorporated (from title page) | Transparency Denial Standard |
| Publisher | Utah Health Information Network |

| | |
|-------------------------|------------|
| Issue Date | 11/11/2023 |
| Issue or Version | 2.0 |

Public Notice Information

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| 8. The public may submit written or oral comments to the agency identified in box 1. (The public may also request a hearing by submitting a written request to the agency. See Section 63G-3-302 and Rule R15-1 for more information.) | | |
| A) Comments will be accepted until: | 03/04/2024 | |
| B) A public hearing (optional) will be held: | | |
| Date (mm/dd/yyyy): | Time (hh:mm AM/PM): | Place (physical address or URL): |
| | | |
| | | |
| To the agency: If more space is needed for a physical address or URL, refer readers to Box 4 in General Information. If more than two hearings will take place, continue to add rows. | | |

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| 9. This rule change MAY become effective on: | 03/11/2024 |
| NOTE: The date above is the date the agency anticipates making the rule or its changes effective. It is NOT the effective date. | |

Agency Authorization Information

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|--|---|--------------|------------|
| To the agency: Information requested on this form is required by Sections 63G-3-301, 63G-3-302, 63G-3-303, and 63G-3-402. Incomplete forms will be returned to the agency for completion, possibly delaying publication in the <i>Utah State Bulletin</i> and delaying the first possible effective date. | | | |
| Agency head or designee and title: | Steve Gooch, Public Information Officer | Date: | 01/16/2024 |

R590. Insurance, Administration.

R590-271. Data Reporting for Consumer Quality Comparison.

R590-271-1. Authority.

This rule is promulgated by the commissioner pursuant to Sections 31A-2-201 and 31A-2-216.

R590-271-2. Purpose and Scope.

- (1) The purpose of this rule is to:
 - (a) define the methodology for determining and comparing insurer transparency information;
 - (b) establish a format for submitting data to the commissioner; and
 - (c) establish the date the data is due.
- (2)(a) This rule applies to an insurer offering a health benefit plan.
- (b) This rule does not apply to an insurer whose health benefit plans cover fewer than 3,000 individual Utah residents in aggregate.

R590-271-3. Definitions.

Terms used in this rule are defined in Section 31A-1-301. Additional terms are defined as follows:

- (1) "Electronic data interchange standard" means the standards developed by the UHIN Standards Committee at the request of the commissioner.
- (2) "HEDIS" means the Healthcare Effectiveness Data and Information Set.
- (3) "SFTP" means the Secure File Transfer Protocol.
- (4) "UHIN" means the Utah Health Information Network.
- (5) "UHIN Standards Committee" means the Standards Committee of the UHIN.

R590-271-4. Reporting Requirements.

- (1)(a) The following electronic data interchange standards adopted by the UHIN Standards Committee are incorporated by reference by the commissioner and are available at <https://insurance.utah.gov>:
 - (i) Transparency Administration Performance Standard, v[~~1-9~~]2.0; and
 - (ii) Transparency Denial Standard, v[~~1-9~~]2.0.
- (b) An insurer shall submit to the commissioner a report on each electronic data interchange standard referenced in Subsection R590-271-4(1)(a).
 - (c) Each report shall be submitted using the department's secure file upload site at <https://forms.uid.utah.gov/insurance/fileuploads> ~~https://forms.uid.utah.gov/fileUploads~~.
 - (d) Each report shall include data for the previous calendar year, and shall combine both paper and electronic claims.
 - (e) The submission format, procedures, and guidelines are described in detail in the adopted transparency standards published by UHIN.
- (2) An insurer shall comply with the reporting guidelines, procedures, and format of Rule R428-13 and submit HEDIS data for the preceding calendar year to the Utah Department of Health and Human Services Office of Health Care Statistics.

R590-271-5. Public Records.

The data submitted to the commissioner pursuant to this rule are public records as defined in Section 63G-2-103 for use on:

- (1) the department's website, <https://insurance.utah.gov>; and
- (2) the department's transparency website, <https://healthrates.utah.gov>.

R590-271-6. Severability.

If any provision of this rule, Rule R590-271, or its application to any person or situation is held invalid, such invalidity does not affect any other provision or application of this rule that can be given effect without the invalid provision or application. The remainder of this rule shall be given effect without the invalid provision or application.

KEY: data, data reporting, insurance

Date of Last Change: February 8, 2023

Authorizing, and Implemented or Interpreted Law: 31A-2-216