

State of Utah
Administrative Rule Analysis
 Revised October 2019

NOTICE OF PROPOSED RULE		
TYPE OF RULE: New ___; Amendment _x_; Repeal ___; Repeal and Reenact ___		
Title No. - Rule No. - Section No.		
Utah Admin. Code Ref (R no.):	R590-271	Filing No. (Office Use Only)
Changed to Admin. Code Ref. (R no.): R		

Agency Information

1. Agency:	Insurance Department	
Room no.:	3110	
Building:	State Office Building	
Street address:	450 N. State St.	
City, state, zip:	Salt Lake City, UT, 84114	
Mailing address:	PO Box 146901	
City, state, zip:	Salt Lake City, UT, 84114-6901	
Contact person(s):		
Name:	Phone:	Email:
Steve Gooch	801-538-3803	sgooch@utah.gov
Please address questions regarding information on this notice to the agency.		

General Information

2. Rule or section catchline:
Data Reporting for Consumer Quality Comparison.
3. Purpose of the new rule or reason for the change (If this is a new rule, what is the purpose of the rule? If this is an amendment, repeal, or repeal and reenact, what is the reason for the filing?):
The rule is being revised to require insurers to file their quality reports with the Insurance Commissioner, rather than the Utah Health Information Network.
4. Summary of the new rule or change:
The revisions require that insurers file their data quality reports with the Insurance Commissioner through the Department's secure file upload site, rather than the Utah Health Information Network. When this rule was previously put into effect, the Department did not have a secure file upload site; one has since been created.

Fiscal Information

5. Aggregate anticipated cost or savings to:
A) State budget:
This rule change is not expected to have any fiscal impacts on the state budget because insurers are already complying with the provisions of the rule. If anything, this change may create a very slight reduction of work time.
B) Local governments:
This rule change is not expected to have any fiscal impacts on local governments because it does not affect them.
C) Small businesses ("small business" means a business employing 1-49 persons):

This rule change is not expected to have any fiscal impacts on small businesses because insurers are not small businesses.

D) Non-small businesses ("non-small business" means a business employing 50 or more persons):

This rule change is not expected to have any fiscal impacts on non-small businesses. The non-small businesses affected by the rule change are insurance companies, and they are already complying with the provisions of the rule.

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**):

This rule change is not expected to have any fiscal impacts on any other persons because this rule only applies to insurers who are large employers.

F) Compliance costs for affected persons:

This rule change is not expected to have any compliance costs for affected persons because insurers are already complying with the provisions of the 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 Summary Table			
Fiscal Costs	FY 2020	FY 2021	FY 2022
State Government	\$0	\$0	\$0
Local Government	\$0	\$0	\$0
Small Businesses	\$0	\$0	\$0
Non-Small Businesses	\$0	\$0	\$0
Other Person	\$0	\$0	\$0
Total Fiscal Costs:	\$0	\$0	\$0
Fiscal Benefits			
State Government	\$0	\$0	\$0
Local Government	\$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 sign-off on regulatory impact:

The head of the Insurance Department, Todd E. Kiser, has reviewed and approved this fiscal analysis.

6. A) Comments by the department head on the fiscal impact this rule may have on businesses:

After conducting a thorough analysis, it was determined that this proposed rule will not result in a fiscal impact to businesses.

B) Name and title of department head commenting on the fiscal impacts:

Todd E. Kiser, Insurance Commissioner

Citation Information

7. This rule change is authorized or mandated by state law, and implements or interprets the following state and federal laws. State code or constitution citations (required):

31A-2-216		

Incorporations by Reference Information

(If this rule incorporates more than two items by reference, please include additional tables)

8. 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*):

	First Incorporation
Official Title of Materials Incorporated (from title page)	Transparency Administration Performance Standard
Publisher	Utah Health Information Network
Date Issued	02/02/2019
Issue, or version	1.5

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*):

	Second Incorporation
Official Title of Materials Incorporated (from title page)	Transparency Denial Standard
Publisher	Utah Health Information Network
Date Issued	02/02/2019
Issue, or version	1.5

Public Notice Information

9. 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. The agency is required to hold a hearing if it receives requests from ten interested persons or from an association having not fewer than ten members. Additionally, the request must be received by the agency not more than 15 days after the publication of this rule in the Utah State Bulletin. See Section 63G-3-302 and Rule R15-1 for more information.)

A) Comments will be accepted until (mm/dd/yyyy): 01/14/2019

B) A public hearing (optional) will be held:

On (mm/dd/yyyy):	At (hh:mm AM/PM):	At (place):

10. This rule change MAY* become effective on (mm/dd/yyyy): 01/21/2019

*NOTE: The date above is the date on which this rule MAY become effective. It is NOT the effective date. After the date designated in Box 10, the agency must submit a Notice of Effective Date to the Office of Administrative Rules to make this rule effective. Failure to submit a Notice of Effective Date will result in this rule lapsing and will require the agency to start the rulemaking process over.

Agency Authorization Information

To the agency: Information requested on this form is required by Sections 63G-3-301, 302, 303, and 402. Incomplete forms will be returned to the agency for completion, possibly delaying publication in the *Utah State Bulletin*, and delaying the first possible effective date.

Agency head or designee, and title:	Steve Gooch	Date (mm/dd/yyyy):	11/26/2019
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R590. Insurance, Administration.

R590-271. Data Reporting for Consumer Quality Comparison.

R590-271-1. Authority.

This rule is promulgated pursuant to Subsection 31A-2-216 wherein the commissioner may adopt rules to educate health care consumers by producing or collecting and disseminating education materials to consumers.

R590-271-2. Purpose and Scope.

- (1) The purpose of this rule is to:
 - (a) define terms;
 - (b) define the methodology for determining and comparing insurer transparency information;
 - (c) provide the data and format for submission to the commissioner; and
 - (d) provide the date the information is due.
- (2)(a) This rule applies to all health benefit plans issued or renewed on or after January 1, 2015.
- (b) This rule does not apply to an insurer whose health benefit plans cover fewer than 3,000 individual Utah residents.

R590-271-3. Definitions.

In addition to the definitions in Sections 31A-1-301, the following definitions shall apply for the purpose of this rule:

- (1) "Electronic Data Interchange Standard" means the:
 - (a) the standards developed by the UHIN Standards Committee at the request of the commissioner; and
 - (b) others as adopted by the commissioner by rule.
- (2) "SFTP" means the Secure File Transfer Protocol.
- (3) "UHIN" means the Utah Health Information Network.
- (4) "UHIN Standards Committee" means the Standards Committee of the UHIN.

R590-271-4. Reporting Requirements.

(1)(a) The commissioner ~~[has convened a group, as identified in 31A-22-613.5(4)(a), to develop information for consumers to compare health insurers and health benefit plans. As a result of the group's work, the commissioner]~~adopts the following UHIN electronic data interchange standards developed and adopted by the UHIN Standards Committee, which are hereby incorporated by reference with this rule and are available for public inspection at the department during normal business hours, at www.insurance.utah.gov, or at www.uhin.org:

- (i) the Transparency Administration Performance Standard, v~~[ersion]~~1.~~[2]~~5; and
- (ii) the Transparency Denial Standard[s], v~~[ersion]~~1.~~[2]~~5.

(b)(~~+~~) Beginning on April 1, ~~[2016]~~2020, and each year thereafter, an insurer shall submit the reports referenced in R590-271-4(1)(a)[

~~(ii) to UHIN-] to the commissioner in an electronic data interchange standard which includes data for the previous calendar year through the department's secure file upload site.~~

(c) Each report shall include data for both paper and electronic claims combined.

(d) Submission format, procedures and guidelines are described in detail in the adopted transparency standards published by UHIN.

(2) ~~[Beginning on July 1, 2016, and each year thereafter, a]~~An insurer shall comply with the reporting guidelines, procedures and format of R428-13 and submit to the Utah Department of Health Office of Health Care Statistics, the Healthcare Effectiveness Data and Information Set, HEDIS, data for the preceding calendar year.

R590-271-5. Records.

The commissioner finds the data submitted to the commissioner in the Transparency Administration Performance Standard and the Transparency Denial Standards to be considered a public record as defined in Section 63G-2-103 for the purpose of display on:

(1) ~~[the Health Insurance Exchange as described in Section 63M-1-2505, avenueh.com;~~

~~(2)]~~the department's website, insurance.utah.gov; and

~~(3)]~~the department's transparency website, healthrates.utah.gov.

R590-271-6. Penalties.

A person found to be in violation of this rule shall be subject to penalties as provided under Section 31A-2-308.

R590-271-7. ~~[Enforcement Date.~~

~~The commissioner will begin enforcing this rule 45 days from the rule's effective date.~~

~~R590-271-8.]Severability.~~

~~[If any provision of this rule or its application to any person or circumstances is for any reason held to be invalid, the remainder of the rule and the application of the provision to other persons or circumstances shall not be affected thereby.]~~If any provision of this rule or its application to any person or situation is held to be invalid, that invalidity shall not affect any other provision or application of this rule which can be given effect without the invalid provision or application, and to this end the provisions of this rule are declared to be severable.

KEY: data, data reporting, insurance

Date of Enactment or Last Substantive Amendment: December 29, 2017

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