

BEFORE THE COMMISSIONER OF SECURITIES AND INSURANCE
MONTANA STATE AUDITOR

In the matter of the repeal of ARM)	NOTICE OF PROPOSED REPEAL
6.6.1906, 6.6.1907, 6.6.1908,)	
6.6.1910, 6.6.1911, 6.6.1913, and)	NO PUBLIC HEARING
6.6.1914 pertaining to)	CONTEMPLATED
Comprehensive Health Care)	
Association and Plan)	

TO: All Concerned Persons

1. On December 12, 2016, the Commissioner of Securities of Insurance, Montana State Auditor (CSI), proposes to repeal the above-stated rules.

2. The CSI will make reasonable accommodations for persons with disabilities who wish to participate in this rulemaking process or need an alternative accessible format of this notice. If you require an accommodation, contact the CSI no later than 5:00 p.m. on December 5, 2016, to advise us of the nature of the accommodation that you need. Please contact Darla Sautter, CSI, 840 Helena Avenue, Helena, Montana, 59601; telephone (406) 444-2726; fax (406) 444-3439; TDD/Montana Relay Service (406) 444-3246; or e-mail dsautter@mt.gov.

3. The department proposes to repeal the following rules:

6.6.1906 OPERATING RULES FOR THE ASSOCIATION on page 6-211 of the Administrative Rules of Montana.

AUTH: 33-22-1502, MCA
IMP: 33-22-1502, 33-22-1503, MCA

6.6.1907 ESTABLISHING THE MONTANA AFFORDABLE CARE PLAN on page 6-212 of the Administrative Rules of Montana.

AUTH: 33-22-1502, MCA
IMP: 33-22-1502, 33-22-1503, MCA

6.6.1908 ELIGIBILITY REQUIREMENTS FOR THE MACP HIGH RISK POOL PLAN on page 6-212 of the Administrative Rules of Montana.

AUTH: 33-22-1502, MCA
IMP: 33-22-1502, 33-22-1503, MCA

6.6.1910 ENROLLMENT CAPS AND OTHER FUNDING LIMITATIONS on page 6-213 of the Administrative Rules of Montana.

AUTH: 33-22-1502, MCA

IMP: 33-22-1502, 33-22-1503, MCA

6.6.1911 MACP BENEFIT PLAN AND RATES on page 6-214 of the Administrative Rules of Montana.

AUTH: 33-22-1502, MCA

IMP: 33-22-1502, 33-22-1503, MCA

6.6.1913 LEAD CARRIER CONTRACT on page 6-214 of the Administrative Rules of Montana.

AUTH: 33-22-1502, MCA

IMP: 33-22-1502, 33-22-1503, MCA

6.6.1914 FRAUD, DUMPING AND RECISSION on page 6-214 of the Administrative Rules of Montana.

AUTH: 33-22-1502, MCA

IMP: 33-22-1502, 33-22-1503, MCA

4. STATEMENT OF REASONABLE NECESSITY: The Commissioner of Securities and Insurance, Montana State Auditor, Monica J. Lindeen, (commissioner) is the statewide elected official responsible for administering the Montana Insurance Code and regulating the business of insurance.

The repeal of ARM 6.6.1906, 6.6.1907, 6.6.1908, 6.6.1910, 6.6.1911, 6.6.1913, and 6.6.1914 is reasonably necessary because the statutes authorizing the existence of and purpose for the Montana Comprehensive Health Association and plans were repealed effective January 1, 2016. Also, the MCHA ceased to offer any plans effective January 1, 2014. Therefore, these rules are no longer needed and the authority to enact and enforce these rules no longer exists.

5. Concerned persons may submit their data, views, or arguments concerning the proposed actions in writing to: Christina L. Goe, General Counsel, Commissioner of Securities and Insurance, Montana State Auditor, 840 Helena Avenue, Helena, Montana, 59601; telephone (406) 444-1942; fax (406) 444-3499; or e-mail cgoe@mt.gov, and must be received no later than 5:00 p.m., December 8, 2016.

6. If persons who are directly affected by the proposed actions wish to express their data, views, or arguments orally or in writing at a public hearing, they must make written request for a hearing and submit this request along with any written comments to Darla Sautter at the above address no later than 5:00 p.m., December 8, 2016.

7. If the agency receives requests for a public hearing on the proposed action from either 10 percent or 25, whichever is less, of the persons directly affected by

the proposed action; from the appropriate administrative rule review committee of the Legislature; from a governmental subdivision or agency; or from an association having not less than 25 members who will be directly affected, a hearing will be held at a later date. Notice of the hearing will be published in the Montana Administrative Register. Ten percent of those directly affected has been determined to be 35 persons based on 350 people on the list.

8. The CSI maintains a list of concerned persons who wish to receive notices of rulemaking actions proposed by this agency. Persons who wish to have their name added to the list may sign up by clicking on the blue button on the CSI's web site at: <http://csimt.gov/laws-rules/> to specify for which program the person wishes to receive notices. Notices will be sent by e-mail unless a mailing preference is noted in the request. Requests may also be sent to the CSI in writing. Such written request may be mailed or delivered to the contact information in 2 above, or may be made by completing a request form at any rules hearing held by the CSI.

9. An electronic copy of this proposal notice is available through the Secretary of State's web site at <http://sos.mt.gov/ARM/Register>. The Secretary of State strives to make the electronic copy of this notice conform to the official version of the notice, as printed in the Montana Administrative Register, but advises all concerned persons that in the event of a discrepancy between the official printed text of the notice and the electronic version of the notice, only the official printed text will be considered. In addition, although the Secretary of State works to keep its web site accessible at all times, concerned persons should be aware that the web site may be unavailable during some periods, due to system maintenance or technical problems.

10. The bill sponsor contact requirements of 2-4-302, MCA, do not apply.

11. With regard to the requirements of 2-4-111, MCA, the department has determined that the repeal of the above-referenced rules will not significantly and directly impact small businesses.

/s/ Michael A. Kakuk
Michael A. Kakuk
Rule Reviewer

/s/ Christina L. Goe
Christina L. Goe
General Counsel

Certified to the Secretary of State October 31, 2016.