

MEMORANDUM


State of Alaska Department of Law

TO: Scott C. Meriwether, AAC Coordinator
Office of the Lieutenant Governor

DATE: June 26, 2018

FILE NO.:

TELEPHONE NO.: 465-3600

FROM: Steven C. Weaver 
Sr. Assistant Attorney General and
Assistant Regulations Attorney
Legislation/Regulations Section

SUBJECT: Corrections to the Alaska
Administrative Code (AAC):
3 AAC 28.934(c)

In accordance with the authority of the regulations attorney under AS 44.62.125(b), please forward to the publisher the corrections to the Alaska Administrative Code (AAC) described below. I have forwarded these corrections under a specific delegation dated December 1, 2015 from the regulations attorney. These revisions correct manifest errors.

The regulation to be revised is 3 AAC 28.934(c), as filed February 13, 2018, with an effective date of March 15, 2018. As displayed, 3 AAC 28.934(c) has a paragraph numbered (1), subdivided into subparagraphs (A) - (D); but 3 AAC 28.934(c) does not have a paragraph numbered (2) or any other paragraph. To conform 3 AAC 28.934(c) with state drafting conventions for legislation and regulations, please reformat the text as follows:

(c) Notwithstanding (b) of this section, a covered person is considered not to have exhausted the provisions of 3 AAC 28.930 - 3 AAC 28.938 if the failure of a health care insurer to adhere to the requirements of 3 AAC 28.936 or 3 AAC 28.938 is a de minimis violation that

(1) does not cause, and is not likely to cause, prejudice or harm to the covered person;

(2) the health care insurer demonstrates was for good cause or due to matters beyond the health care insurer's control;

(3) occurred in the context of an ongoing, good-faith exchange of information between the health care insurer and the covered person or the covered person's authorized representative; and

(4) is not a part of a pattern or practice of violations by the health care insurer.

Also, at the end of 3 AAC 28.934, please add an editor's note to read:

Editor's note: As of Register 227 (October 2018), the regulations attorney made technical corrections under AS 44.62.125(b)(6), to 3 AAC 28.934(c).

After reviewing the National Association of Insurance Commissioners language (Health Carrier Grievance Procedure Model Act) that is the source for 3 AAC 28.934(c), I do not expect that the state regulations are missing a substantive paragraph that would have been numbered 3 AAC 28.934(c)(2). My changes to 3 AAC 28.934(c) are for format only, and do not require conforming changes elsewhere in Title 3 of the Alaska Administrative Code.

Thank you for your assistance, and please contact me if you have additional questions.

SCW

cc: Micaela Fowler, Regulations Contact
Department of Commerce, Community, and Economic Development

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