

**WSR 24-09-003**  
**NOTICE OF PUBLIC MEETINGS**  
**ENVIRONMENTAL AND**  
**LAND USE HEARINGS OFFICE**  
 (Growth Management Hearings Board)  
 [Filed April 3, 2024, 2:19 p.m.]

The growth management hearings board has changed the following regular meeting:

<b>From:</b>		
<b>Date</b>	<b>Time</b>	<b>Location</b>
July 10, 2024	9:00 a.m.	Remote meeting (Zoom) <a href="https://elaho-wa-gov.zoom.us/j/6690698875?pwd=YVJDN0R4WmRPUDBQdjvvaE82ZVFIUT09&amp;omn=89841040424">https://elaho-wa-gov.zoom.us/j/6690698875?</a> pwd=YVJDN0R4WmRPUDBQdjvvaE82ZVFIUT09&omn=89841040424 Meeting ID 669 069 8875 Passcode 635907 Physical location: 1111 Israel Road S.W. Suite 301 Tumwater, WA 98501
<b>To:</b>		
June 20, 2024	9:00 a.m.	Hybrid (remote and in-person) meeting (Zoom) <a href="https://elaho-wa-gov.zoom.us/j/6690698875?pwd=YVJDN0R4WmRPUDBQdjvvaE82ZVFIUT09&amp;omn=89841040424">https://elaho-wa-gov.zoom.us/j/6690698875?</a> pwd=YVJDN0R4WmRPUDBQdjvvaE82ZVFIUT09&omn=89841040424 Meeting ID 669 069 8875 Passcode 635907 Physical location: 1111 Israel Road S.W. Suite 301 Tumwater, WA 98501

If you need further information, contact Jamie Merly, 1111 Israel Road S.W., Suite 301, Tumwater, WA 98501, 360-485-1282, jamie.merly@elaho.wa.gov, fax 360-586-2253, www.elaho.wa.gov.

**WSR 24-09-004**

**DEPARTMENT OF**

**LABOR AND INDUSTRIES**

[Filed April 3, 2024, 3:26 p.m.]

Prevailing Rate of Wage Publication

Pursuant to RCW 39.12.015, 39.12.020, and WAC 296-127-011, on March 28, 2024, the industrial statistician determined and published corrections to several prevailing rates of wage. These rates become effective 30 days from publication on April 27, 2024.

We are correcting the overtime rules for the divers and diver tenders trade in several Eastern Washington counties. Specifically, we have updated information present in the note codes.

We are also making apprentice level wage rate corrections to the construction site surveyors trade in Southwest Washington.

For more information on prevailing wage or a copy of the rates, please visit our website at <https://lni.wa.gov/licensing-permits/public-works-projects/prevailing-wage-rates/> or call 360-902-5335.

Maggie Leland  
Rules Coordinator

WSR 24-09-015

HEALTH CARE AUTHORITY

[Filed April 8, 2024, 8:47 a.m.]

NOTICE

Title or Subject: Medicaid State Plan Amendment (SPA) 24-0027 Optometrist Rate Description Update.

Effective Date: April 15, 2024.

Description: The health care authority (HCA) intends to submit SPA 24-0027 to update the link to the state contract for eyeglasses and contact lenses provided to medicaid beneficiaries, and remove the unnecessary reference to chapter 182-531 WAC.

SPA 24-0027 is expected to have no effect on the annual aggregate expenditures/payments. These are "housekeeping" changes and do not reflect changes to policy or payment.

A copy of the draft SPA is available upon request. HCA would appreciate any input or concerns regarding this SPA. To request a copy of the SPA or submit comments, you may contact the person named below (please note that all comments are subject to public review and disclosure, as are the names of those who comment). Please submit comments by May 10, 2024.

CONTACT: Ann Myers, State Plan Coordinator, P.O. Box 42716, Olympia, WA 98504, TRS 711, email [ann.myers@hca.wa.gov](mailto:ann.myers@hca.wa.gov).

## WSR 24-09-017

## NOTICE OF PUBLIC MEETINGS

## DEPARTMENT OF HEALTH

(Chiropractic Quality Assurance Commission)

[Filed April 8, 2024, 12:31 p.m.]

In accordance with the Open Public Meeting[s] Act (chapter 42.30 RCW) and the Administrative Procedure Act (chapter 34.05 RCW), the following is a notice to report dates and locations for the 2024 meetings for the department of health (DOH), chiropractic quality assurance commission (commission) regular business meetings. The commission meetings are open to the public and access for persons with disabilities may be arranged with advance notice; please contact the staff person below for more information.

Agendas for the meetings listed below are made available in advance via email subscription and the DOH website (see below). Every attempt is made to ensure that the agenda is up-to-date. However, the commission reserves the right to change or amend agendas at the meeting.

\*This is an update. Changes were approved by the commission on March 14, 2024.

Date	Time	Locations
May 9, 2024	9:00 a.m.	DOH TC2 Room 153 111 Israel Road S.E. Tumwater, WA 98501 This meeting will be held hybrid with physical and remote access.
July 11, 2024	9:00 a.m.	Department of Labor and Industries Conference Center Rooms S117/S118 7273 Linderson Way S.W. Tumwater, WA 98501 This meeting will be held hybrid with physical and remote access.
September 20, 2024	9:00 a.m.	DOH TC2 Room 153 111 Israel Road S.E. Tumwater, WA 98501 This meeting will be held hybrid with physical and remote access.
September 21, 2024	9:00 a.m.	South Puget Sound Community College Lacey Campus 4220 6th Avenue Room 194 Lacey, WA 98503 This meeting will be held hybrid with physical and remote access.
November 14, 2024	9:00 a.m.	DOH TC2 Room 153 111 Israel Road S.E. Tumwater, WA 98501 This meeting will be held hybrid with physical and remote access.

For additional information, please contact DOH, Chiropractic Quality Assurance Commission, P.O. Box 47858, Olympia WA 98504-7858, phone 360-236-2822, email CQAC@doh.wa.gov, web www.doh.wa.gov/CQAC, subscription <https://public.govdelivery.com/accounts/WADOH/subscriber/new>.

Please be advised the commission is required to comply with the Public Disclosure [Records] Act, chapter 42.56 RCW. This act establishes a strong state mandate in favor of disclosure of public records. As such, the information you submit to the board, including

personal information, may ultimately be subject to disclosure as a public record.

To request this document in another format, call 1-800-525-0127. Deaf or hard of hearing customers, please call 711 (Washington relay) or email [doh.information@doh.wa.gov](mailto:doh.information@doh.wa.gov).

WSR 24-09-018

NOTICE OF PUBLIC MEETINGS

PUGET SOUND PARTNERSHIP

(Puget Sound Partnership Leadership Council)

[Filed April 8, 2024, 2:16 p.m.]

Following is an additional, regular meeting for the Puget Sound partnership's leadership council for 2024:

Date	Time	Location
August 7	1:00 - 2:30 p.m.	Virtual Zoom meeting

If you need further information, contact Tristan Contesse, P.O. Box 40900, Olympia, WA 98504, 360-584-5328, [tristan.contesse@psp.wa.gov](mailto:tristan.contesse@psp.wa.gov), <https://www.psp.wa.gov>.

WSR 24-09-020

DEPARTMENT OF AGRICULTURE

[Filed April 9, 2024, 9:13 a.m.]

LEGAL NOTICE FOR SPARTINA TREATMENT IN WESTERN WASHINGTON

The Washington state department of agriculture (WSDA) is hereby notifying the affected public that the herbicides imazapyr and glyphosate may be used to control invasive *Spartina* grass species between June 1 and November 30, 2024.

Licensed pesticide applicators operating under WSDA's NPDES (National Pollutant Discharge Elimination System) state waste discharge general permit may apply these products in the following locations: Grays Harbor, Hood Canal, Willapa Bay, Puget Sound, the north and west sides of the Olympic Peninsula, and the mouth of the Columbia River.

For more information, including locations of possible application sites or information on *Spartina*, contact WSDA *Spartina* control program, phone 1-800-443-6684, email [pestprogram@agr.wa.gov](mailto:pestprogram@agr.wa.gov), or website <https://agr.wa.gov/departments/insects-pests-and-weeds/weeds/spartina>; or write WSDA *Spartina* program, P.O. Box 42560, Olympia, WA 98504-2560.

The Washington state department of ecology number for reporting concerns about *Spartina* treatments is 360-407-6600.

**WSR 24-09-021**

**NOTICE OF PUBLIC MEETINGS**

**BATES TECHNICAL COLLEGE**

[Filed April 9, 2024, 11:14 a.m.]

Following is to inform you that the Bates Technical College's board of trustees meeting date has been rescheduled from May 20, 2024, to May 28, 2024.



**WSR 24-09-029**

**POLICY STATEMENT**

**DEPARTMENT OF HEALTH**

[Filed April 10, 2024, 10:18 a.m.]

**NOTICE OF ADOPTION**

**POLICY STATEMENT**

Title of Policy Statement: Waiver of Jurisprudence Examination for Certain Chiropractic License Applicants or Inactive License Holders. CH-24-03-14.

Issuing Entity: Washington state chiropractic quality assurance commission.

Subject Matter: Individuals holding a chiropractic license in "inactive" status, and endorsement or expired credential reissuance applicants are not required to take and pass the jurisprudence examination if the applicant holds an active credential recognized as having substantially equivalent standards.

Effective Date: March 14, 2023.

Contact Person: Betty J. Moe, chiropractic quality assurance commission, director of policy and operations, cqac@doh.wa.gov.

WSR 24-09-038

DEPARTMENT OF AGRICULTURE

[Filed April 12, 2024, 7:24 a.m.]

2024 QUARTERLY REPORT ON RULE-MAKING ACTIVITIES

**Petitions Received**

The following information is being sent in order to implement RCW 1.08.112 (1)(g) and WAC 1-21-180. The Washington state department of agriculture received zero petitions for rule making during the first quarter of 2024.

**WSR 24-09-041**  
**NOTICE OF PUBLIC MEETINGS**  
**DEPARTMENT OF HEALTH**  
 (Dental Hygiene Examining Committee)  
 [Filed April 12, 2024, 1:13 p.m.]

In accordance with the Open Public Meeting[s] Act (chapter 42.30 RCW) and the Administrative Procedure Act (chapter 34.05 RCW), the following is the approved revised schedule of regular meetings for the department of health (DOH), dental hygiene examining committee (committee), for the year 2024. Committee meetings are open to the public and access for persons with disabilities may be arranged with advance notice; please contact the staff person below for more information.

Agendas for the meetings listed below are made available in advance via GovDelivery and the DOH website (see below). Every attempt is made to ensure that the agenda is up-to-date. However, the committee reserves the right to change or amend agendas at the meeting.

**2024 Meeting Schedule**

Approved by the committee October 13, 2023  
 Updated April 11, 2024

Date	Time	Location
February 9, 2024	9:00 a.m.	Hybrid - Webinar and Department of Labor and Industries (L&I) Headquarters 7273 Linderson Way S.W. Room S130 Tumwater, WA 98501
April 12, 2024	9:00 a.m.	Hybrid - Webinar and L&I Headquarters 7273 Linderson Way S.W. Room S130 Tumwater, WA 98501
July 19, 2024	9:00 a.m.	Hybrid - Webinar and L&I Headquarters 7273 Linderson Way S.W. Rooms S130 Tumwater, WA 98501
<del>October 11, 2024</del> Rescheduled to October 25, 2024	9:00 a.m.	<del>To be determined</del> Embassy Suites Lynnwood 20610 44th Avenue West Lynnwood, WA 98036

If you need further information, please contact Bruce Bronoske, Jr., Program Manager, Dental Hygiene Examining Committee, DOH, P.O. Box 47852, Olympia, WA 98504-7852, phone 360-236-4843, fax 360-236-2901, bruce.bronoske@doh.wa.gov, www.doh.wa.gov.

Please be advised the committee is required to comply with the Public Disclosure [Records] Act, chapter 42.56 RCW. This act establishes a strong state mandate in favor of disclosure of public records. As such, the information you submit to the committee, including personal information, may ultimately be subject to disclosure as a public record.

**WSR 24-09-045**  
**NOTICE OF PUBLIC MEETINGS**  
**DEPARTMENT OF COMMERCE**  
 (Digital Equity Forum)  
 [Filed April 12, 2024, 5:46 p.m.]

The digital equity forum has a meeting in May 2024. Further meeting schedules will be decided upon at a later time.

<b>Date</b>	<b>Time</b>	<b>Location</b>
Thursday, May 30, 2024	3:00 - 4:30 p.m.	Virtual meeting via Zoom <a href="https://wastatecommerce.zoom.us/j/82590985710?pwd=eEpGWStibTlmNFkSC8wcmd5MEFyQT09,Meeting+ID+825+9098+5710,Passcode+770768;+or+One-tap+mobile+12532158782,82590985710#,,,770768#US+(Tacoma),+12133388477,82590985710#,,,770768#US+(Los+Angeles).+Dial+by+your+location+1+253+215+8782+US+(Tacoma),+1+213+338+8477+US+(Los+Angeles),+1+971+247+1195+US+(Portland).">https://wastatecommerce.zoom.us/j/82590985710?pwd=eEpGWStibTlmNFkSC8wcmd5MEFyQT09,Meeting ID 825 9098 5710, Passcode 770768; or One-tap mobile +12532158782,82590985710#,,,770768# US (Tacoma), +12133388477,82590985710#,,,770768# US (Los Angeles). Dial by your location +1 253 215 8782 US (Tacoma), +1 213 338 8477 US (Los Angeles), +1 971 247 1195 US (Portland).</a>

If you need further information, contact Lisa Heaton, Washington State Department of Commerce, 1011 Plum Street S.E., P.O. Box 42525, Olympia, WA 98504, email [lisa.heaton@commerce.wa.gov](mailto:lisa.heaton@commerce.wa.gov), phone 360-725-3014.

**WSR 24-09-046**  
**NOTICE OF PUBLIC MEETINGS**  
**COMMISSION ON**  
**HISPANIC AFFAIRS**

[Filed April 12, 2024, 8:45 a.m.]

The Washington state commission on Hispanic affairs (CHA) will be canceling its June 1st meeting in Snohomish County. Instead, CHA will host two meetings in June for the purpose of convening community leaders in both Eastern Washington and Western Washington. Therefore, CHA will meet the following dates and times in June:

**June public board meeting, Snohomish County**, on Saturday, June 1, 2024, at 9:00 a.m. - 3:00 p.m.

**June public board meeting, Tacoma**, on Thursday, June 6, 2024, at 9:00 a.m. - 3:00 p.m.

**June public board meeting, Yakima**, on Thursday, June 13, 2024, at 9:00 a.m. - 3:00 p.m.

WSR 24-09-047

NOTICE OF APPEAL

OFFICE OF THE GOVERNOR

[Filed April 15, 2024, 9:56 a.m.]

NOTICE OF APPEAL

RCW 34.05.330(3)

Pursuant to RCW 34.05.330(3), you are hereby notified for publication in the Washington State Register that:

On March 5, 2024, the Governor's Office received an appeal from Caressa Tinker, relating to the Office of Financial Management's denial of a petition to amend or repeal WAC 357-08-055(5) (*How is the periodic increment date determined for a general government employee?*). The Governor's Office denied the appeal on April 15, 2024.

DATE: April 15, 2024

Kathryn Leathers  
General Counsel  
to the Governor

## WSR 24-09-055

## HEALTH CARE AUTHORITY

[Filed April 15, 2024, 12:06 p.m.]

## NOTICE

Title or Subject: Medicaid State Plan Amendment (SPA) 24-0007 Behavioral and Community Health Aides - New SPA Number.

Effective Date: On or after January 1, 2024.

Description: The health care authority (HCA) previously published notices under WSR 22-20-065, 22-23-111, and 23-06-048 of the intent to submit an SPA to establish two new provider types in the medicaid state plan: Community health aides/practitioners and behavioral health aides/practitioners. Submission of an SPA was delayed until this year, necessitating renumbering the SPA as 24-0007. In addition to the two provider types listed, SPA 24-0007 will also add dental health aides (DHAs).

As stated previously, this SPA is expected to increase the annual aggregate payment as it introduces new provider types to be reimbursed by medicaid. However, because these are new provider types, HCA has no data upon which to estimate a financial impact at this time.

SPA 24-0007 is in the development process; therefore, a copy is not yet available for review. HCA would appreciate any input or concerns regarding this SPA. To request a copy when it becomes available or submit comments, please contact the person named below (please note that all comments are subject to public review and disclosure, as are the names of those who comment).

**CONTACT:** Lena Nachand, Office of Tribal Affairs, 626 8th Avenue S.E., Olympia, WA 98501, phone 360-622-1237, TRS 711, email [lena.nachand@hca.wa.gov](mailto:lena.nachand@hca.wa.gov), website <https://www.hca.wa.gov/about-hca/who-we-are/tribal-relations>.

WSR 24-09-069  
OFFICE OF THE  
INSURANCE COMMISSIONER  
[Filed April 16, 2024, 1:22 p.m.]

Technical Assistance Advisory 2024-01<sup>1</sup>

TO: Health Carriers

FROM: Insurance Commissioner Mike Kreidler

DATE: April 16, 2024

SUBJECT: The office of the insurance commissioner's (OIC) interpretation of chapter 48.200 RCW and RCW 48.43.731 Health care benefit managers

The purpose of this technical assistance advisory (TAA) is to provide guidance to health carriers<sup>2</sup> on OIC's response to the Change Healthcare cybersecurity event that occurred on February 21, 2024, and the duties of health carriers and health care benefit managers under chapter 48.200 RCW and chapter 284-180 WAC.

**Background:** The legislature enacted chapter 48.200 RCW in 2020, with the express intent to protect and promote the health, safety, and welfare of Washington residents by establishing standards for regulatory oversight of health care benefit managers.<sup>3</sup> In enacting the law, the legislature explicitly found that:

"[G]rowth in managed health care systems has shifted substantial authority over health care decisions from providers and patients to health carriers and health care benefit managers. Health care benefit managers acting as intermediaries between carriers, health care providers, and patients exercise broad discretion to affect health care services recommended and delivered by providers and the health care choices of patients. Regularly, these health care benefit managers are making health care decisions on behalf of carriers. However, unlike carriers, health care benefit managers are not currently regulated."

Health care benefit manager registration went into effect in Washington state on January 1, 2022.

Change Healthcare experienced a cybersecurity event on February 21, 2024. On March 18, 2024, OIC sent a letter to each health carrier operating in Washington state requesting copies of all executed and active health care benefit manager contracts with Change Healthcare, Inc., Change Healthcare Pharmacy Solutions, Inc., and any other Change Healthcare affiliate as required by current law. The due date for submission of contracts was April 6, 2024. On April 10, 2024, OIC sent a series of follow-up letters to health carriers once again requiring carriers to submit any health care benefit manager contracts with Change Healthcare, Inc., Change Healthcare Pharmacy Solutions, Inc., and any other Change Healthcare affiliate. The health carriers' responses to the second letter are due to OIC on April 20, 2024.

On March 18, 2024, OIC also sent a letter to Change Healthcare, Inc. requesting copies of executed and active health care benefit manager contracts with each licensed health carrier for which Change Healthcare, Inc. performs any services described in RCW 48.200.020. Change Healthcare responded to that request as follows:

"Change Healthcare Pharmacy Solutions, Inc. is not contracted with a licensed health carrier, as that term is defined by RCW 48.43.005. Change Healthcare Pharmacy Solutions Inc. does not perform health care services, as defined in RCW 48.43.005, to any licensed health carrier. Therefore, we do not have any executed or active health care benefit manager contracts to send."



OIC has determined that Change Healthcare, and other business entities, are intricately involved in the claims processing and utilization review functions of several Washington state registered or authorized health carriers. However, there appears to be confusion regarding compliance obligations under chapter 48.200 RCW among some entities whose activities **indirectly** impact claims processing, utilization review and other services that affect utilization of benefits and patient access to health care services in the Washington health care marketplace. Similarly, there also appears to be confusion among health carriers regarding their obligations and liability under the Insurance Code, Title 48 RCW, with respect to entities with whom they **directly or indirectly** contract to provide health care benefit management services, including claims processing and utilization review. OIC is issuing this TAA to advise health carriers and health care benefit managers of the plain language of chapter 48.200 RCW and RCW 48.43.731 related to the duty of health care benefit managers to register as a condition of conducting business in Washington state and the duty of both health care benefit managers and health carriers to submit **direct and indirect** contracts for health care benefit management services to OIC.

**A. Only Registered Health Care Benefit Managers May Provide Services that Directly or Indirectly Impact the Determination or Utilization of Benefits for, or Patient Access to, Health Care Services on Behalf of Health Carriers:** RCW 48.200.020 (4) (a) defines "health care benefit manager" as a person or entity providing services to, or acting on behalf of, a health carrier or employee benefits programs, that **directly or indirectly** impacts the determination or utilization of benefits for, or patient access to, health care services, drugs, and supplies including, but not limited to:

- (i) Prior authorization or preauthorization of benefits or care;
  - (ii) Certification of benefits or care;
  - (iii) Medical necessity determinations;
  - (iv) Utilization review;
  - (v) Benefit determinations;
  - (vi) Claims processing and repricing for services and procedures;
  - (vii) Outcome management;
  - (viii) Provider credentialing and recredentialing;
  - (ix) Payment or authorization of payment to providers and facilities for services or procedures;
  - (x) Dispute resolution, grievances, or appeals relating to determinations or utilization of benefits;
  - (xi) Provider network management; or
  - (xii) Disease management.
- (emphasis added)

In addition, RCW 48.200.020 (4) (b) notes that "Health care benefit manager" includes, but is not limited to, health care benefit managers that specialize in specific types of health care benefit management such as pharmacy benefit managers, radiology benefit managers, laboratory benefit managers, and mental health benefit managers. With respect to use of the term "including but not limited to," it is clear that the list of health care benefit management services included in RCW 48.200.020(4) is not exclusive. The operative language of the definition is whether an entity is providing services that **directly or indirectly** impact the determination or utilization of benefits for, or patient access to, health care services, drugs, and supplies. The legislature wisely determined that given changing and evolving business practices, an exclusive list of health care benefit management serv-

ices would risk becoming outdated following enactment. However, for services such as "claims processing" and "utilization review," which are explicitly set forth in statute, there is no question that these services were included in the types of services the legislature believed could be offered **directly or indirectly** by a health care benefit manager.

RCW 48.200.030 provides that to conduct business in the state of Washington, any entity satisfying the definition of a health care benefit manager in RCW 48.200.020(4) must register with the commissioner and annually renew their registration. WAC 284-180-220 through 284-180-240 address health care benefit manager initial registration and renewal processes.

RCW 48.200.040(1) prohibits a health care benefit manager from providing health care benefit management services to a health carrier or employee benefits programs without a written agreement describing the rights and responsibilities of the parties conforming to the provisions of chapter 48.200 RCW and any rules adopted by OIC to implement or enforce that chapter, including rules governing contract content. Further, RCW 48.200.040(2) requires that health care benefit managers file "every benefit management contract and contract amendment between the health care benefit manager and a health carrier, provider, pharmacy, pharmacy services administration organization, or other health care benefit manager, entered into **directly or indirectly** in support of a contract with a carrier or employee benefits programs, within 30 days following the effective date of the contract or contract amendment."<sup>4</sup>

Under the plain language of RCW 48.200.020 through 48.200.040, whenever an entity offers services that **directly or indirectly** impact the determination or utilization of benefits for, or patient access to, health care services, drugs, and supplies, that entity is acting as a health care benefit manager that must be registered with OIC as such.<sup>5</sup> This includes entities that **directly or indirectly** contract with health carriers for the provision of health care benefit management services, including claims processing and utilization review.

**B. All Contracts with Entities That Should Be Registered as Healthcare Benefit Managers must be Submitted to OIC by Both the Health Carrier and any Health Care Benefit Manager:** RCW 48.43.731 sets out requirements for health carriers to file with OIC every contract and contract amendment between the carrier and a health care benefit manager within 30 days following the effective date of the contract or contract amendment.

Further, as noted above, RCW 48.200.040(2) requires that health care benefit managers themselves file "every" benefit management contract and amendment between themselves and any health carrier, provider, pharmacy, pharmacy services administration organization, or other health care benefit manager, that **directly or indirectly** supports a contract with a carrier or employee benefits programs.

The plain meaning of the phrase "**directly or indirectly**" as used in RCW 48.200.040(2) encompasses arrangements under which a carrier contracts with an intermediary entity who then subcontracts for health care benefit management services. To ignore this language would provide an opportunity for both health carriers and health care benefit managers to evade the intent and purpose of the law by continuing to allow unregulated entities to make critical decisions that affect utilization of benefits and patient access to health care services on be-

half of carriers, with no oversight by regulators, and no transparency to consumers.

A failure by a health care benefit manager to register with OIC does not excuse a health carrier from its responsibilities under the insurance code. In fact, under RCW 48.200.050, a health carrier can be held responsible for violations of the insurance code (Title 48 RCW) committed by any health care benefit manager with whom they **directly or indirectly** contract concerning the coverage of, payment for, or provision of health care benefits, services, drugs, and supplies.<sup>6</sup> While these categories are not unlimited, there is little question that claims processing and utilization review activities fall within the categories of coverage, payment, and provision of health care benefits. Therefore, health carriers who choose to contract, **directly or indirectly**, with health care benefit managers that have failed to comply with the requirements of chapter 48.200 RCW, may themselves be liable for any failings of the health care benefit manager with respect to the provision of any health care benefit management services, including the processing of claims or utilization review.

**C. Conclusion:** The plain language of chapter 48.200 RCW requires that entities who **directly or indirectly** provide services that affect utilization of benefits and patient access to health care services including, but not limited to, claims processing and utilization review, register with OIC as health care benefit managers. Further, all contracts to **directly or indirectly** provide such services on behalf of a Washington registered or authorized health carrier, including claim processing services, must be provided to OIC.

OIC has identified multiple entities, including those listed below, as contracting to provide health care benefit management services as corporate partners or affiliates of Change Healthcare:

- EquiClaim
- RelayHealth
- Emdeon
- Optum Rx
- OptumInsight
- McKesson

Any entity, including those listed above, that **directly or indirectly** contracts with a Washington registered or authorized health carrier to provide services that affect utilization of benefits and patient access to health care services, is required by law to register as a health care service contractor with OIC. All contracts with any Washington registered or authorized health carrier must be filed with OIC by the health care benefit manager.

Similarly, all Washington registered or authorized health carriers that have direct or indirect contracts with any of the entities listed above, or others, to provide health care benefit management services, including claim processing and utilization review, are required to provide those contracts to OIC. OIC is actively reviewing submitted filings and responses to its inquiries to determine what additional steps may be necessary to ensure full compliance with the plain language and clear legislative intent of chapter 48.200 RCW.

Please direct any questions about this advisory to Jennifer Kreitler, who may be contacted at Jennifer.Kreitler@oic.wa.gov or by phone at 360-725-7127.

<sup>1</sup> This advisory is a policy statement released to advise the public of OIC's current opinions, approaches, and likely courses of action. It is advisory only. RCW 34.05.230(1).

<sup>2</sup> See RCW 48.43.005 (defining "health carrier").

3 RCW 48.200.010.

4 See also WAC 284-180-455 and WAC 284-180-460.

5 There are several exceptions to the registration requirement for health care benefit managers that apply to specific types of entities. Entities that believe they are exempt from the requirements to register should refer to RCW 48.200.020 (4)(c) to determine if they are a type of entity that falls outside of the definition of health care benefit manager.

6 RCW 48.200.050(5) provides:

"Health carriers and employee benefits programs are responsible for the compliance of any person or organization acting *directly or indirectly* on behalf of or at the direction of the carrier or program, or acting pursuant to carrier or program standards or requirements concerning the coverage of, payment for, or provision of health care benefits, services, drugs, and supplies.

(b) A carrier or program contracting with a health care benefit manager is responsible for the health care benefit manager's violations of this chapter, *including* a health care benefit manager's failure to produce records requested or required by the commissioner.

(c) No carrier or program may offer as a defense to a violation of any provision of this chapter that the violation arose from the act or omission of a health care benefit manager, or other person acting on behalf of or at the direction of the carrier or program, rather than from the direct act or omission of the carrier or program["] (emphasis added).

WSR 24-09-071

INTERPRETIVE AND POLICY STATEMENT

DEPARTMENT OF ECOLOGY

[Filed April 16, 2024, 4:01 p.m.]

Notice of Interpretive and Policy Statement

Under chapter 42.56 RCW, the department of ecology (ecology) maintains an index that includes interpretive and policy statements issued by the agency. Under RCW 34.05.230, we are filing notice in the Washington State Register about these statements.

To obtain copies of these items, please copy and paste the web address (URL) from the table below into a web browser to view and download; or submit an email records request to ecology's public records officer at PublicRecordsOfficer@ecy.wa.gov following the instructions on the public records requests web page at https://ecology.wa.gov/About-us/Accountability-transparency/Public-records-requests.

Revised Statement:

Title of Interpretive/Policy Statement	Web Link (if applicable)
A published version of "AQP-POL-2022 Data Center Permitting" is replacing the unpublished version with the same title: "AQP-POL-2022 Data Center Permitting"	AQP-POL-2022 Data Center Permitting N/A

**WSR 24-09-081**

**INTERPRETIVE OR POLICY STATEMENT**

**DEPARTMENT OF AGRICULTURE**

[Filed April 17, 2024, 10:38 a.m.]

Policy Statement AES-24-0001

Delayed Enforcement of the Cannabis Laboratory Accreditation Standards  
in Chapter 16-309 WAC

On April 16, 2024, a policy statement was issued regarding the delay of the enforcement of the newly adopted cannabis laboratory accreditation standard to provide time for laboratories to come into compliance, while simultaneously providing time for the department to implement a new accreditation process.

All laboratories engaged in compliance testing of cannabis through this interim period will be subject to the compliance requirements in chapter 314-55 WAC.

A copy of the interpretive statement may be obtained by accessing the Washington state department of agriculture website ([www.agr.wa.gov](http://www.agr.wa.gov)) or by contacting Gloriann Robinson, Agency Rules Coordinator, 1111 Washington Street S.E., P.O. Box 42560, Olympia, WA 98504-2560, phone 360-902-1802, email [wsdarulescomments@agr.wa.gov](mailto:wsdarulescomments@agr.wa.gov).