

**WSR 24-11-117**  
**PREPROPOSAL STATEMENT OF INQUIRY**  
**OFFICE OF THE**  
**INSURANCE COMMISSIONER**

[Insurance Commissioner Matter R 2024-01—Filed May 21, 2024, 6:24 a.m.]

Subject of Possible Rule Making: Implementation of SSB 5986 and updates to the Balance Billing Protection Act (BBPA) rules in chapter 284-43B WAC.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 48.49.110, 48.02.060; amending RCW 48.49.060, section (3), chapter 218, Laws of 2024.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: SSB 5986 was signed into law on March 19, 2024. The legislation adds ground ambulance balance billing protections to BBPA. Rule making is necessary to revise chapter 284-43B WAC to include reference to ground ambulance services. The rules will facilitate the implementation of the law changes by ensuring that affected entities understand their rights and obligations under the new law. Rule making is also necessary to update BBPA rules including, but not limited to, consideration of arbitrator fees and revisions to the arbitration process for arbitration authorized under RCW 48.49.135.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: The state department of health (DOH) and the office of the insurance commissioner (OIC) share responsibility for enforcement of violations of the balance billing prohibition. OIC has been and will continue to coordinate with DOH on implementation of these provisions. DOH will be invited to participate in any OIC rule making related to enforcement. The provisions of BBPA also apply to health plans offered through the public employee benefits board and school employees benefits board, which are administered by the Washington state health care authority (HCA). HCA also will be invited to participate in this rule making.

Process for Developing New Rule: Submit comments by June 21, 2024.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Rules Coordinator, 302 Sid Snyder Avenue S.W., Olympia, WA 98504, phone 360-725-7171, fax 360-586-3109, TTY 360-586-0241, email rulescoordinator@oic.wa.gov, website www.insurance.wa.gov.

May 21, 2024  
Mike Kreidler  
Insurance Commissioner