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**HOUSE BILL 1889**

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**State of Washington 67th Legislature 2022 Regular Session**

**By** Representatives Cody, Schmick, Tharinger, Riccelli, and Macri

AN ACT Relating to network access; amending RCW 48.49.150; adding new sections to chapter 48.43 RCW; and creating a new section.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

NEW SECTION. **Sec.**  A new section is added to chapter 48.43 RCW to read as follows:

(1) A carrier shall maintain and monitor its provider networks on an ongoing basis for compliance with the network access standards established in rules adopted by the commissioner.

(2) A carrier shall file provider network materials in compliance with requirements established in network access rules adopted by the commissioner.

(3) Beginning January 1, 2023, the commissioner shall:

(a) Review and approve carriers' provider networks prior to use; and

(b) Review carriers' provider networks submitted with health plan filings and actively monitor carriers' provider networks throughout the plan year for compliance with this chapter and network access rules adopted by the commissioner.

(4) Beginning January 1, 2023, prior to termination of a contract with a health care provider, the carrier must provide at least 120 days' notice to the commissioner, the health care provider, and to enrollees of the health plan.

NEW SECTION. **Sec.**  A new section is added to chapter 48.43 RCW to read as follows:

(1) Beginning January 1, 2023, when a carrier files an alternative access delivery request in order to ensure that health plan enrollees can access medically necessary covered services at no greater cost to enrollees than if the services were provided by in-network providers or facilities:

(a) The commissioner shall review and approve or disapprove the request;

(b) The carrier shall notify all providers and facilities listed in the alternate access delivery request at the time of filing; and

(c) The commissioner shall actively monitor the carrier's compliance with each approved alternate access delivery request.

(2) The commissioner may take enforcement action against carriers that are not in compliance with this section and network access rules adopted by the commissioner.

(3) Beginning November 1, 2024, and annually thereafter, the office of the commissioner shall submit an annual report to the appropriate committees of the legislature on the use of alternate access delivery systems. The report must analyze the use of alternate access delivery systems by specialty, provider and facility type, and geographic region.

**Sec.**  RCW 48.49.150 and 2019 c 427 s 25 are each amended to read as follows:

When determining the adequacy of a proposed provider network or the ongoing adequacy of an in-force provider network, the commissioner must ((~~consider whether~~)) review the carrier's proposed provider network or in-force provider network and shall enforce network access requirements to verify the network includes a sufficient number of contracted providers of emergency and surgical or ancillary services at or for the carrier's contracted in-network hospitals or ambulatory surgical facilities to reasonably ensure enrollees have in-network access to covered benefits delivered at that facility.

NEW SECTION. **Sec.**  The insurance commissioner may adopt rules as necessary to implement this act.

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