

**WSR 21-13-132**  
**PREPROPOSAL STATEMENT OF INQUIRY**  
**OFFICE OF THE**  
**INSURANCE COMMISSIONER**

[Insurance Commissioner Matter R 2021-06—Filed June 22, 2021, 10:47 a.m.]

Subject of Possible Rule Making: Implementation of ESHB 1196 (chapter 157, Laws of 2021), telemedicine and audio-only telemedicine services.

Statutes Authorizing the Agency to Adopt Rules on this Subject: Section 2, chapter 157, Laws of 2021, codified at RCW 48.43.735(9).

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: RCW 48.43.735 addresses requirements for coverage of telemedicine services by health plans. Prior to enactment of ESHB 1196, RCW 48.43.735 expressly excluded audio-only telephone from the definition of "telemedicine." ESHB 1196 removes the exclusion of audio-only telemedicine from the coverage requirement, establishes several conditions for coverage of such services and amends statutory language related to telemedicine payment parity. Rules may be needed to clarify terms related to several components of the new law. Such rules will facilitate implementation of the law by ensuring that all affected entities understand their rights and obligations under the new law.

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 requirement that a provider obtain patient consent for billing audio-only telemedicine services in advance of the service being delivered. OIC will coordinate with DOH on implementation of these provisions. DOH has been invited to participate in any OIC rule making related to enforcement.

Process for Developing New Rule: Comments due by July 7, 2021.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Jane Beyer, 302 Sid Snyder Avenue S.W., Olympia, WA 98504, phone 360-725-7043, fax 360-586-3109, TTY 360-586-0241, email [rulescoordinator@oic.wa.gov](mailto:rulescoordinator@oic.wa.gov), website [www.insurance.wa.gov](http://www.insurance.wa.gov).

June 22, 2021  
Mike Kreidler  
Insurance Commissioner