

WSR 21-15-100

PROPOSED RULES

HEALTH CARE AUTHORITY

[Filed July 20, 2021, 9:03 a.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 21-04-121.

Title of Rule and Other Identifying Information: WAC 182-70-040
Registration requirements.

Hearing Location(s): On August 24, 2021, at 10:00 a.m. The health care authority (HCA) remains closed in response to the coronavirus disease (COVID-19) public health emergency. Until further notice, HCA continues to hold public hearings virtually without a physical meeting place. This promotes social distancing and the safety of the residents of Washington state. To attend the virtual public hearing, you must register in advance https://zoom.us/webinar/register/WN_BNCWCw0FQSOhcaAMJzTrTw. After registering, you will receive a confirmation email containing information about joining the public hearing.

Date of Intended Adoption: Not sooner than August 25, 2021.

Submit Written Comments to: HCA Rules Coordinator, P.O. Box 42716, Olympia, WA 98504-2716, email arc@hca.wa.gov, fax 360-586-9727, by August 24, 2021.

Assistance for Persons with Disabilities: Contact Amber Lougheed, phone 360-725-1349, fax 360-586-9727, telecommunication[s] relay service 711, email amber.lougheed@hca.wa.gov, by August 6, 2021.

Purpose of the Proposal and Its Anticipated Effects, Including Any Changes in Existing Rules: HCA is amending WAC 182-70-040 Registration requirements, to set the Washington covered person threshold at one thousand covered persons for data suppliers in the all-payer health care claims database program. HCA also added the required procedure for determining if the data supplier meets this threshold.

Reasons Supporting Proposal: See purpose.

Statutory Authority for Adoption: RCW 41.05.021, 41.05.160, and 43.371.070.

Statute Being Implemented: RCW 41.05.021, 41.05.160, and 43.371.070.

Rule is not necessitated by federal law, federal or state court decision.

Agency Comments or Recommendations, if any, as to Statutory Language, Implementation, Enforcement, and Fiscal Matters: Not applicable.

Name of Proponent: HCA, governmental.

Name of Agency Personnel Responsible for Drafting: Jason Crabbe, P.O. Box 42716, Olympia, WA 98504-2716, 360-725-9563; Implementation and Enforcement: Lorie Geryk, P.O. Box 45530, Olympia, WA 98504-5530, 360-725-1598.

A school district fiscal impact statement is not required under RCW 28A.305.135.

A cost-benefit analysis is not required under RCW 34.05.328. RCW 34.05.328 does not apply to HCA rules unless requested by the joint administrative rules review committee or applied voluntarily.

The proposed rule does not impose more-than-minor costs on businesses. Following is a summary of the agency's analysis showing how costs were calculated. The proposed rule does not impose more-than-minor costs on businesses.

July 20, 2021

OTS-3143.3

AMENDATORY SECTION (Amending WSR 19-24-090, filed 12/3/19, effective 1/1/20)

WAC 182-70-040 Registration requirements. (1) Washington covered persons threshold for data suppliers. Any carrier, third-party administrator, public program, or other potential data supplier identified in RCW 43.371.030 with 1000 or more Washington covered persons, as defined in WAC 182-70-030, as of December 31st of the previous calendar year must submit data in accordance with this chapter.

(a) For the purposes of determining whether a potential data supplier is subject to the requirements of this chapter, potential data suppliers must aggregate the number of Washington covered persons for all companies at the group code level, as defined by the National Association of Insurance Commissioners.

(b) Potential data suppliers that offer any combination of medical, dental, or pharmaceutical benefits under separate or combined plans must count all Washington covered persons, regardless of the comprehensiveness of the plan, toward the 1000 Washington covered persons threshold.

(2) **Initial registration.** Each data supplier required to submit health care data pursuant to chapter 43.371 RCW (~~shall~~) must register within thirty days of notification from the lead organization.

(~~(2)~~) (3) **Annual registration.** Each data supplier required to submit health care data pursuant to chapter 43.371 RCW (~~shall~~) must register by December 31st of each year after the initial registration. If the data supplier initially registers September 1st or later, then the data supplier (~~shall~~) must file its annual registration by December 31st of the year following the year of the initial registration.

(~~(3)~~) (4) Each data supplier newly required to submit health care data under chapter 43.371 RCW, either by a change in law or loss of qualified exemption, (~~shall~~) must register with the lead organization within thirty days of being required to submit data.

[WSR 19-24-090, recodified as § 182-70-040, filed 12/3/19, effective 1/1/20. Statutory Authority: Chapter 43.371 RCW. WSR 16-04-068, § 82-75-040, filed 1/29/16, effective 2/29/16.]