

WSR 21-18-057

PERMANENT RULES

HEALTH CARE AUTHORITY

[Filed August 26, 2021, 9:53 a.m., effective September 26, 2021]

Effective Date of Rule: Thirty-one days after filing.

Purpose: The health care authority (HCA) is amending WAC 182-70-040 Registration requirements, to set the Washington covered person threshold at 1,000 covered persons for data suppliers in the all-payer claims database program. HCA also added the required procedure for determining if the data supplier meets this threshold.

Citation of Rules Affected by this Order: Amending WAC 182-70-040.

Statutory Authority for Adoption: RCW 41.05.021, 41.05.160.

Adopted under notice filed as WSR 21-15-100 on July 20, 2021.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 0, Repealed 0; or Recently Enacted State Statutes: New 0, Amended 0, Repealed 0.

Number of Sections Adopted at the Request of a Nongovernmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's own Initiative: New 0, Amended 0, Repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 1, Repealed 0.

Number of Sections Adopted using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 1, Repealed 0.

Date Adopted: August 26, 2021.

Wendy Barcus
Rules Coordinator

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.]