

WSR 21-24-032  
PERMANENT RULES  
OFFICE OF THE  
INSURANCE COMMISSIONER

[Insurance Commissioner Matter No. R 2021-13—Filed November 22, 2021, 12:40 p.m., effective December 23, 2021]

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

Purpose: The commissioner is adopting rules to amend existing rules as necessary to implement chapter 53, Laws of 2021 (HB 1009), ensure existing regulations comply with the requirement of this legislation regarding student health plan coverage, and make technical corrections.

Citation of Rules Affected by this Order: Amending WAC 284-43-7210, 284-43-7220, and 284-43-7250.

Statutory Authority for Adoption: RCW 48.02.060; and chapter 53, Laws of 2021 (HB 1009).

Adopted under notice filed as WSR 21-20-109 on October 4, 2021.

A final cost-benefit analysis is available by contacting Shari Maier, 302 Sid Snyder Avenue S.W., Suite 200, Olympia, WA 98501, phone 360-725-7173, email ShariM@oic.wa.gov.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 0, Repealed 0; or Recently Enacted State Statutes: New 0, Amended 3, Repealed 0.

Number of Sections Adopted at the Request of a Nongovernmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's own Initiative: New 0, Amended 0, Repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 0, Repealed 0.

Number of Sections Adopted using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 0, Repealed 0.

Date Adopted: November 22, 2021.

Mike Kreidler  
Insurance Commissioner

**OTS-3310.1**

AMENDATORY SECTION (Amending WSR 19-24-039, filed 11/26/19, effective 12/27/19)

**WAC 284-43-7210 Definitions.** (1) "Contraceptive services" means consultations, examinations, procedures, and other health care services to obtain contraceptive supplies or voluntary sterilization. This includes prescribing, dispensing, inserting, delivering, distributing, administering, or removing contraceptive supplies and voluntary sterilization procedures.

(2) "Contraceptive supplies" means all contraceptive drugs, devices, and other products approved by the Federal Food and Drug Administration. This includes over-the-counter contraceptive drugs, devices, and products approved by the Federal Food and Drug Administration.

(3) "Cost-sharing" means any expenditure required of a covered person for covered services or supplies, including applicable taxes. Cost-sharing includes deductibles, coinsurance, copayments, or similar charges. Cost-sharing does not include premiums, balance billing amounts for nonnetwork providers, or spending for noncovered services or supplies.

(4) "Covered person" or "enrollee" has the same meaning as defined in RCW 48.43.005.

(5) "Gender expression" has the same meaning as defined in (~~section 3, chapter 399, Laws of 2019~~) RCW 48.43.072.

(6) "Gender identity" has the same meaning as defined in (~~section 3, chapter 399, Laws of 2019~~) RCW 48.43.072.

(7) "Medical management" or "medical management techniques" has the same meaning as defined in RCW 48.165.010.

(8) "Reproductive health care services" has the same meaning as defined in (~~section 3, chapter 399, Laws of 2019~~) RCW 48.43.072.

(9) "Reproductive system" has the same meaning as defined in (~~section 3, chapter 399, Laws of 2019~~) RCW 48.43.072.

(10) "Well-person preventative visits" has the same meaning as defined in (~~section 3, chapter 399, Laws of 2019~~) RCW 48.43.072.

[Statutory Authority: RCW 48.02.060, 48.43.072, 48.43.073 and 2019 c 399. WSR 19-24-039, § 284-43-7210, filed 11/26/19, effective 12/27/19.]

AMENDATORY SECTION (Amending WSR 19-24-039, filed 11/26/19, effective 12/27/19)

**WAC 284-43-7220 Coverage required.** A health plan must provide coverage for all services and supplies required under RCW 48.43.072 and 48.43.073. (~~Effective January 1, 2021,~~) A student health plan must also provide coverage for all services and supplies required under RCW 48.43.072 and 48.43.073.

(1) Required coverage of contraceptive services and supplies includes, but is not limited to:

(a) All prescription and over-the-counter contraceptive drugs, devices, and other products approved by the Federal Food and Drug Administration;

(b) Voluntary sterilization procedures; and

(c) The consultations, examinations, procedures, and medical services that are necessary to prescribe, dispense, insert, deliver, distribute, administer, or remove the drugs, devices, and other products or services in (a) and (b) of this subsection.

(2) A health plan or student health plan that provides coverage for maternity care or services must also provide a covered person with substantially equivalent coverage to permit the abortion of a pregnancy. For the coverage to be substantially equivalent, a health plan or student health plan must not apply cost-sharing or coverage limitations differently for abortion and related services than for maternity care and its related services unless the difference provides the enrollee with access to care and treatment commensurate with the enrollee's specific medical needs, without imposing a surcharge or other additional cost to the enrollee beyond normal cost-sharing requirements under the plan.

(3) This subchapter does not diminish or affect any rights or responsibilities provided under RCW 48.43.065.

[Statutory Authority: RCW 48.02.060, 48.43.072, 48.43.073, and 2019 c 399. WSR 19-24-039, § 284-43-7220, filed 11/26/19, effective 12/27/19.]

AMENDATORY SECTION (Amending WSR 19-24-039, filed 11/26/19, effective 12/27/19)

**WAC 284-43-7250 Filing requirements.** (1) For health plans and student health plans subject to RCW 48.43.072 and 48.43.073, the carrier must ensure that the health plan and student health plan forms clearly inform covered persons of their rights to access contraceptive services and supplies, voluntary sterilization and abortion. The health plan and student health plan forms must clearly inform covered persons how they access these services and supplies.

~~(2) ((For student health plans subject to RCW 48.43.072, the carrier must ensure that the plan forms clearly inform covered persons of their rights to access contraceptive services and supplies, and voluntary sterilization. The plan forms must clearly inform covered persons how they access these services and supplies.~~

~~(3))~~) A health plan's forms and student health plan's forms must include a detailed description of the plan's benefits provided to covered persons that specifically instructs covered persons where and how they access coverage of contraceptive supplies, including over-the-counter supplies. This information must include:

(a) Whether covered supplies are available from in-network and out-of-network providers; and

(b) How to submit a claim including, at a minimum:

(i) Whether covered persons may purchase covered supplies and seek reimbursement from the carrier;

(ii) How to access and submit any necessary claim forms; and

(iii) Where to send a claim, such as a mailing address or instructions for submitting a claim electronically.

~~((4))~~) (3) If a health plan or student health plan limits the number of covered over-the-counter contraceptive supplies, the health plan or student health plan must include with its filing supporting evidence showing that the limitation does not impose any restriction or delay on the coverage of contraceptive supplies in violation of RCW 48.43.072 or any other state or federal law.

~~((5))~~) (4) If a health plan or student health plan limits the number of covered contraceptive services or supplies, the plan forms must include a detailed description of the plan's benefits that specifically instructs covered persons how to request coverage of additional contraceptive services or supplies. The process may not impose any restrictions or delays on the coverage or access of contraceptive services or supplies in violation of RCW 48.43.072, or any other state or federal law.

[Statutory Authority: RCW 48.02.060, 48.43.072, 48.43.073, and 2019 c 399. WSR 19-24-039, § 284-43-7250, filed 11/26/19, effective 12/27/19.]