

WSR 22-10-078  
PREPROPOSAL STATEMENT OF INQUIRY  
OFFICE OF THE  
INSURANCE COMMISSIONER

[Insurance Commissioner Matter R 2022-02—Filed May 3, 2022, 1:04 p.m.]

Subject of Possible Rule Making: Implementation of E2SHB 1688 (chapter 263, Laws of 2022), Balance Billing Protection Act and the Federal No Surprises Act.

Statutes Authorizing the Agency to Adopt Rules on this Subject: Sections 5, 19, and 20 (amending RCW 48.49.110), chapter 263, Laws of 2022.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: Chapter 263, Laws of 2022, amends state law related to health carrier coverage of emergency services, the Balance Billing Protection Act (BBPA) and network access provisions for services subject to the balance billing prohibition under the BBPA. Rule making is necessary to revise the BBPA rules at chapter 284-43B WAC and the office of the insurance commissioner (OIC) network access rules at chapter 284-170 WAC to be consistent with the new law. The rules will facilitate implementation of the law changes 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 department of health (DOH) and OIC share responsibility for enforcement of violations of the balance billing prohibition. OIC did, and will continue to, coordinate with DOH on implementation of these provisions. DOH will be invited to participate in any OIC rule making related to enforcement.

Process for Developing New Rule: Submit comments by May 31, 2022.

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).

May 3, 2022  
Mike Kreidler  
Insurance Commissioner