

WSR 22-13-066
PREPROPOSAL STATEMENT OF INQUIRY
OFFICE OF THE
INSURANCE COMMISSIONER

[Insurance Commissioner Matter R 2022-05—Filed June 9, 2022, 9:53 a.m.]

Subject of Possible Rule Making: Implementation of SSB 5610 (chapter 228, Laws of 2022), Prescription drug cost sharing—Enrollee contribution calculation.

Statutes Authorizing the Agency to Adopt Rules on this Subject: SSB 5610, section 1(3), chapter 228, Laws of 2022.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: SSB 5610 (chapter 228, Laws of 2022) was passed to address ongoing consumer complaints about the inconsistency with the use of discount prescription drug cards, assistance programs, and/or coupons. SSB 5610 (chapter 228, Laws of 2022) provides direction for applying payments to cost-sharing amounts and the out-of-pocket maximum, except in specified conditions. Given the input of interested parties during the legislative session, rule making is needed to clarify any potential ambiguity in implementation, thereby providing the consumer protection the legislation intended.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: The office of the insurance commissioner (OIC) coordinated with the health care authority (HCA) during the legislative session as payment allowances from third parties may impact the actuarial calculation for individual exchange plans. Further, SEBB and PEBB plans are included in the SSB 5610 (chapter 228, Laws of 2022). HCA will participate in OIC rule making to the extent the programs are impacted.

Process for Developing New Rule: Submit written comments by July 15, 2022.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Barb Jones, 302 Sid Snyder Avenue S.W., Olympia, WA 98504, phone 360-725-7041, fax 360-586-3109, TTY 360-586-0241, email rulescoordinator@oic.wa.gov, website www.insurance.wa.gov.

June 9, 2022
Mike Kreidler
Insurance Commissioner