

WSR 23-16-137
PREPROPOSAL STATEMENT OF INQUIRY
OFFICE OF THE
INSURANCE COMMISSIONER

[Insurance Commissioner Matter R 2023-07—Filed August 2, 2023, 8:39 a.m.]

Subject of Possible Rule Making: Implementation of ESSB 5122 (2011-12), ESHB 1222 (2023-24), E2SHB 1357 (2023-24), SB 5036 (2023-24), SB 5066 (2023-24), SB 5242 (2023-24), SSB 5396 (2023-24), and other related legislation incorporated as consolidated health care rule making.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 48.02.060 (to effectuate chapter 314, Laws of 2011; chapter 8, Laws of 2023; chapter 107, Laws of 2023; chapter 194, Laws of 2023; chapter 245, Laws of 2023; chapter 366, Laws of 2023; and chapter 382, Laws of 2023); as well as RCW 48.43.735, 48.44.050, 48.46.200, 48.200.040, and 48.200.900.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The office of the insurance commissioner (OIC) is considering consolidated health care rule making due to the recent passage of insurance related legislation. Currently, multiple provisions of health care and insurance regulations in WAC may need to be updated by OIC to be consistent with the legislation passed and codified in RCW. These rules will facilitate implementation of the new laws by ensuring that all affected health care and insurance entities understand their legal rights and obligations under the enacted legislation.

This effort may include, but is not limited to, updating regulatory definitions for emergency medical condition and prior authorizations, clarifying hearing instrument coverage requirements, updating telemedicine time frames, providing guidance for health care benefit manager [manager] and health carrier contract reporting requirements, and clarifying cost sharing for abortion and diagnostic or supplemental breast exams. This rule making may impact the following authorities: WAC 284-43-0160, 284-43-7220, 284-44-046, 284-50-270, 284-170-130, 284-180-460, and new sections in chapters 284-43 and 284-46 WAC.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: OIC is promulgating administrative regulations related to the commercial plans that it regulates. However, there are other state agencies who may be affected by the legislation requiring this rule making.

The state health care authority (HCA) and OIC have similar statutory duties for the cost sharing provisions pertaining to abortion and breast examinations. HCA and OIC are both affected by the new legislation for prior authorizations and telemedicine time frames. HCA and OIC also have statutory duties related to the legislation affecting hearing instrument coverage. Therefore, OIC will coordinate on this rule making with other agencies, including HCA, by offering notices and opportunities for written comment or feedback with multiple participation forums.

Process for Developing New Rule: Submit written comments by August 16, 2023.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Rules Coordinator, 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, website www.insurance.wa.gov.

August 2, 2023
Mike Kreidler
Insurance Commissioner