

WSR 23-15-108  
PREPROPOSAL STATEMENT OF INQUIRY  
OFFICE OF THE  
INSURANCE COMMISSIONER

[Insurance Commissioner Matter R 2023-02—Filed July 19, 2023, 8:16 a.m.]

Subject of Possible Rule Making: Prior authorization; implementation of E2SHB 1357 (2023).

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 48.02.060, 48.43.0161, 48.43.515, and 48.43.520.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: In 2023, the legislature enacted E2SHB 1357 (chapter 382, Laws of 2023). Multiple provisions of the office of insurance commissioner (OIC) rules in chapters 284-43 and 284-170 WAC need amendments to be consistent with the new law, which relates to prior authorization requirements, including time frames for decisions, electronic authorization standards, communication, and reporting. This proposed rule making will ensure that necessary rules are adopted by OIC in a timely manner. These proposed rules will facilitate implementation of the law by ensuring that all affected health care 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: OIC is promulgating administrative regulations related to the commercial plans that it regulates. However, the state department of health (DOH) and health care authority (HCA) are also affected by this new legislation for prior authorizations. Therefore, OIC will coordinate on this rule making with DOH and HCA by offering notices and opportunities for written comment or feedback with multiple participation forums.

This legislation also requires coordination in relation to proposed rules by the federal Centers for Medicare and Medicaid, so OIC will continue to regularly monitor the status of those rules.

Process for Developing New Rule: Submit comments by August 7, 2023.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Joyce Brake, 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](mailto:rulescoordinator@oic.wa.gov), website [www.insurance.wa.gov](http://www.insurance.wa.gov).

July 19, 2023  
Mike Kreidler  
Insurance Commissioner