

WSR 24-03-110

AGENDA

OFFICE OF THE

INSURANCE COMMISSIONER

[Filed January 19, 2024, 3:11 a.m.]

Semi-Annual Rule Development Agenda
January 2024

This list is current as of January 15, 2024. There may be additional rule-making activity not included on this agenda and all information referenced is subject to change.

For general information on the office of the insurance commissioner's (OIC) rule making, please visit https://www.insurance.wa.gov/legislation-and-rulemaking.

For the most up-to-date information on proposed rules, please visit https://www.insurance.wa.gov/proposed-rules.

To sign up for email or text alerts from OIC about rule changes, legislation, industry information, and consumer news, please visit https://public.govdelivery.com/accounts/WAOIC/subscriber/new.

For questions, please contact OIC policy and rules manager, Joyce Brake, rulescoordinator@oic.wa.gov, or 360-725-7041.

The commissioner has initiated rule making on the following rules:

Table with 4 columns: Summary, Statutory Authority, Potentially Impacted WAC, Current Status. Row 1: Revising the prior authorization process (Insurance Commissioner Matter R 2023-02), RCW 48.02.060, 48.43.0161, 48.43.515, and 48.43.520, Amendments to chapter 284-43 WAC, CR-101 filed 7/19/23 WSR 23-15-108

The commissioner previously released a rule-making agenda on the following topics, which include an updated status:

Table with 3 columns: Name of Proposed Rule, Summary, Status. Row 1: Continuity of coverage for prescription drugs, SSB 5300 (2023) prohibits health carriers and their health care benefit managers from requiring substitution of a prescribed nonpreferred drug with a preferred drug or increasing an enrollee's cost sharing obligation when the prescription is for a refill of an antipsychotic, antidepressant, antiepileptic drug, or any other drug prescribed to treat a serious mental illness. Proposed rule making intends to address inconsistencies between the new law and current rules, including addressing the prescription drug process (WAC 284-43-2021), formulary policies and prescription drug cost sharing (WAC 284-43-5060 through 284-43-5110), and the definition of "serious mental illness" (WAC 284-43-0160)., Pre-CR-101. No rule making has been initiated, but a CR-101 is expected in spring 2024.

Other Possible Rule-Makings Topics: In addition to the rules referenced above, the commissioner continues his effort to update and clarify code, as well as implement recent legislation. A potential list of subjects that may be considered for future rule making include or may include:

Adjuster issues.

Annuity marketing and disclosure requirements.

Balance billing.

Barriers to patient care access resulting from contracting practices.

Breast cancer health issues.
Coordination of benefits.
Data security and cybersecurity.
Dental insurance practices.
Discontinuation and renewal of health plan coverage.
Discrimination in health care plan design.
Electronic filing of state specific reporting.
Electronic notices and document delivery of insurance products.
Essential health benefits.
Fixing outdated references.
Health care coverage.
Health care benefit managers.
Holding company regulations.
Implementation of state or federal legislation or reform.
Licensing requirements.
Life and disability issues.
Guaranty funds.
Long-term care insurance.
Market stabilization.
Medical parity.
Minimum valuation standards.
NAIC model act and regulation implementation.
Network access.
Pharmacy formulary tiers.
Pharmacy exceptions, substitutions, and appeals process.
Pharmacy benefit managers.
Pediatric dental.
Prelicensing insurance education.
Producer issues, including commissioner and education requirements.
Property and casualty issues.
Ride-sharing insurance coverage.
Summary of health insurance benefits coverage.
Telemedicine.
Rating variables.
Reproductive health issues.

In addition to the above-mentioned topics, any person may petition OIC under RCW 34.05.330 requesting the adoption, amendment, or repeal of any rule.

Mike Kreidler
Insurance Commissioner