

**WSR 24-12-075
PREPROPOSAL STATEMENT OF INQUIRY
OFFICE OF THE
INSURANCE COMMISSIONER**

[Insurance Commissioner Matter R 2024-05—Filed June 4, 2024, 2:29 p.m.]

Subject of Possible Rule Making: Implementation of SSB 5300 (2023-24), ESHB 2041 (2023-24), SB 5821 (2023-24), ESHB 1957 (2023-24), and other related legislation and laws incorporated as consolidated health care rule making.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 48.02.060, 48.43.0961 (to effectuate chapter 325, Laws of 2023); section 11, chapter 62, Laws of 2024; RCW 48.43.735 (to effectuate chapter 215, Laws of 2024); and RCW 48.43.047 (to effectuate chapter 314, Laws of 2024).

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 and other changes in law. 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 and recent federal law changes. 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 rule making may include, but is not limited to: Clarifying prescription drug coverage for behavioral health treatment; updating reimbursement and collaboration requirements related to physician assistants; updating the definition of "established relationship" as applied to audio-only telemedicine services; and clarifying coverage and cost sharing requirements for preventive services. This rule making may include, but is not limited to, the following authorities: WAC 284-43-5000, 284-43-5080, 284-43-5110, 284-43-2021, 284-43-5800, 284-170-270, 284-170-411, 284-170-480, 284-170-421, 284-170-431, 284-43-5642, 284-170-433, 284-170-130, and 284-43-5980.

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 it regulates. However, there are other state agencies who may be affected by the legislation requiring this rule making.

The state department of health (DOH) and OIC are both affected by the legislation regarding prescription drugs and physician assistant collaboration agreements. The health care authority (HCA) and OIC also have similar statutory authority for the "established relationship" provisions pertaining to audio-only telemedicine. Therefore, OIC will coordinate on this rule making with other agencies, including DOH and HCA, by offering notices and opportunities for written comment or feedback with multiple participation forums.

Process for Developing New Rule: Submit written comments by July 5, 2024.

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 360-725-7171, fax 360-586-3109, TTY 360-586-0241, email rulescoordinator@oic.wa.gov, website www.insurance.wa.gov.

June 4, 2024
Mike Kreidler

