

WSR 24-23-011

PERMANENT RULES

HEALTH CARE AUTHORITY

[Filed November 8, 2024, 2:10 p.m., effective December 8, 2024, 2:10 p.m.]

Effective Date of Rule: Thirty one days after filing.

Purpose: The health care authority (agency) amended this rule to add language about data sharing between the prescription drug affordability board and the health care cost transparency board to align with language in RCW 70.390.050 (revised under ESHB 1508, section 2 (2)(a), chapter 80, Laws of 2024). Additionally, the agency added a new section regarding a time frame of 30 days for public comment prior to the board setting an upper payment limit to align with RCW 42.30.250 (new section created by SHB 1105, section 1(1), chapter 171, Laws of 2024).

Citation of Rules Affected by this Order: New WAC 182-52-0095; and amending WAC 182-52-0050.

Statutory Authority for Adoption: RCW 41.05.021, 41.05.160.

Other Authority: RCW 70.390.050, 42.30.250; ESHB 1508, section 2 (2)(a), chapter 80, Laws of 2024; SHB 1105, section 1(1), chapter 171, Laws of 2024.

Adopted under notice filed as WSR 24-20-117 on October 1, 2024.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 0, Repealed 0; or Recently Enacted State Statutes: New 1, Amended 1, Repealed 0.

Number of Sections Adopted at the Request of a Nongovernmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's own Initiative: New 0, Amended 0, Repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 1, Amended 1, Repealed 0.

Number of Sections Adopted using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 1, Amended 1, Repealed 0.

Date Adopted: November 8, 2024.

Wendy Barcus
Rules Coordinator

OTS-5831.1

AMENDATORY SECTION (Amending WSR 24-02-078, filed 1/2/24, effective 6/10/24)

WAC 182-52-0050 Prescription drug affordability board—Data and confidentiality. (1) For the purpose of reviewing drug prices and conducting affordability reviews, the board (as established in chapter 70.405 RCW) and the health care cost transparency board (established in chapter 70.390 RCW) may share data with each other and access all data collected under RCW 43.71C.020 through 43.71C.080 and any analysis prepared by the authority.

(2) Advisory group members may not access or review any confidential information.

(3) The information collected by the board pursuant to RCW 70.405.040 is not subject to public disclosure under chapter 42.56 RCW.

(4) The authority provides data only after the data recipient, as defined by this chapter, has signed a nondisclosure agreement. The authority may prohibit access to or use of the data by a data recipient who violates the nondisclosure agreement.

(5) Data recipients must keep data confidential by:

(a) Accessing, using, and disclosing information only in accordance with this section and consistent with applicable statutes, regulations, and policies;

(b) Having a public policy purpose to access and use the confidential information according to chapter 70.405 RCW;

(c) Protecting all confidential information against unauthorized use, access, disclosure, or loss by employing reasonable security measures in alignment with the agency information system security plan, including physically securing any computers, documents, or other media containing confidential information and viewing confidential information only on secure workstations in nonpublic areas;

(d) Destroying all confidential information according to document retention requirements;

(e) Adhering to the confidentiality requirements in this section after the data recipient is no longer an authorized data recipient under chapter 70.405 RCW; and

(f) Acknowledging that the data recipient may be responsible for liability arising from misuse of the data.

(6) Data recipients must not:

(a) Disclose any confidential information, as defined by WAC 182-52-0010, or otherwise publicly release the confidential information;

(b) Use or disclose any confidential information for any commercial or personal purpose, or any other purpose that is not authorized in chapter 70.405 RCW;

(c) Attempt to identify people who are the subject of the confidential information;

(d) Discuss confidential information in public spaces in a manner in which unauthorized individuals could overhear;

(e) Discuss confidential information with unauthorized individuals, including spouses, domestic partners, family members, or friends;

(f) Have any conflicts of interests under the Ethics in Public Service Act that would prevent the data recipient from accessing or using confidential information; and

(g) Share information received according to this chapter with any person who is not authorized to receive confidential information as specified by this chapter.

OTS-5830.1

NEW SECTION

WAC 182-52-0095 Prescription drug affordability board—Upper payment limits—Public comment. The board must allow 30 calendar days

for the submission of public comment before setting an upper payment limit. Prior to the 30-day comment period, the authority will notify the public of both the beginning and ending dates that written comment will be accepted.