

WSR 25-08-002
PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF HEALTH

[Filed March 19, 2025, 3:04 p.m.]

Subject of Possible Rule Making: Ground ambulance services—Balanced billing. The department of health (department) is considering rule making in response to new legislative requirements under SSB 5986 (chapter 218, Laws of 2024) regarding out-of-network health care charges (balance billing) for ground ambulance services. WAC 246-976-260 and 246-976-270 may be amended as necessary.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 18.73.081 and 43.70.040; and SSB 5986 (chapter 218, Laws of 2024).

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: As provided in SSB 5986 Out-of-network health care charges—Ground ambulance services, licensed ground emergency medical services (EMS) are prohibited from balance billing and the department may take disciplinary action on a ground ambulance service license for violations of the law. The law authorizes the department to enact civil penalties such as levying a fine or cost recovery. As this is a new area of enforcement for the department, rules may be needed to clarify potential reasons for disciplinary action and to articulate what actions can be taken.

Balance billing for ground ambulance services refers to the situation where a patient is transported by a ground ambulance service that is not in their insurance network and subsequently receives a surprise bill from the noncovered ground ambulance service. In an emergency situation, patients are not able to choose if the ground ambulance service that transports them is covered by their insurance network.

The department is considering adopting rules to satisfy the requirements of SSB 5986. The department would be able to enforce minimum standards through the effect of rules.

It is anticipated that the rules will clarify several points, including expectations for ground ambulance services to comply with balance billing laws, the department's disciplinary role for enforcement of balance billing regulations, and potential actions to be taken on an EMS license for violations of the standards.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: Washington state office of the insurance commissioner (OIC). The department is required to work in consultation with OIC in the disciplinary process. The department will collaborate with OIC in rule making and establish standards and processes in agreement with OIC.

Process for Developing New Rule: Collaborative rule making.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Jason Norris, P.O. Box 47853, Olympia, [WA] 98504, phone 360-236-2851, fax 360-236-2830, TTY 360-833-6388 or 711, email Jason.Norris@doh.wa.gov, website <https://doh.wa.gov>; or Martravia Reed, P.O. Box 47853, Olympia, WA 98504, phone 360-236-2838, fax 360-236-2830, TTY 360-833-6388 or 711, email martravia.reed@doh.wa.gov, website <https://doh.wa.gov>.

Additional comments: Interested parties can participate in the drafting of the proposed rules. The department will conduct a series of rules workshops. Rule-making notices will be delivered via the Gov-Delivery list. To receive notices, please go to <https://>

public.govdelivery.com/accounts/WADOH/subscriber/new. After signing in, please click open the box labeled "Health Systems Quality Assurance." Next, click open the box labeled "Community Health Systems" and then click open the box labeled "Emergency Medical Services and Trauma." Finally, click the box for "Emergency Medical Services (EMS) Rule Making Chapter WAC 246.976." You may also check the box next to one or more of the other professions or facilities listed to receive information related to that specific topic.

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