WSR 26-17-024
OFFICE OF THE
INSURANCE COMMISSIONER
[Filed August 7, 2026, 12:33 p.m.]

Emergency Order No. 26-02

To: All health carriers authorized or admitted to offer fully insured health plans in Washington state that are regulated by the Insurance Commissioner.

From: Patty Kuderer, Insurance Commissioner

Subject: Ordering one-time refill of prescription medications prior to waiting periods, providing a minimum 60-day grace period for payment of premiums, prohibiting cancellations.

Pursuant to RCW 48.02.060(4), the Insurance Commissioner of the state of Washington (Insurance Commissioner) orders all health carriers authorized or admitted to offer fully insured health plans in Washington State that are regulated by the Insurance Commissioner (hereafter "Regulated Entities"), between August 7, 2026, through September 30, 2026, as follows:

A. All Regulated Entities shall allow enrollees to obtain a one-time refill of their covered prescription medications prior to the expiration of the waiting period between refills so that enrollees can maintain an adequate supply of necessary medication. Carriers may take into consideration patient safety risks associated with early refills for certain drug classes, such as opioids, benzodiazepines and stimulants.

B. Allow a grace period for payment of premiums no less than sixty (60) days for individual and group health plans, other than qualified health plans purchased by individuals receiving an advanced premium tax credit through the Health Benefit Exchange. Regulated Entities must pay all claims for services that are rendered to enrollees during the first thirty days of the grace period, that are covered under the terms of the health plan and current law then in effect, including any emergency orders issued by any branch or instrumentality of the state of Washington or the federal government. Regulated Entities may delay adjudicating claims for services rendered to enrollees during the remainder of the grace period. Any communication from Regulated Entities addressed to enrollees or the plan sponsor during the grace period must clearly state the enrollee or plan sponsor's obligation to pay back premiums or potentially result in the enrollee being subject to billing from health care providers for unpaid claims for services rendered to enrollees after the first thirty days of the grace period, and must clearly state the Regulated Entity's obligations during the grace period, in light of the state of emergency and emergency orders issued by the Governor or the Office of the Insurance Commissioner.

C. No regulated entity shall cancel a health plan issued for nonpayment of premium, unless specifically directed to do so by the insured.

Basis

1. On August 1, 2026, the Governor issued Proclamation 26-03 declaring an emergency related to the multiple ongoing wildfires in Western, Central, and Eastern Washington as well as the dry weather conditions that have persisted in the state since 2023. The proclamation provides in pertinent part as follows:

I, Bob Ferguson, Governor of the state of Washington, as a result of the above-noted situation and under Chapters 38.52 and 43.06 RCW, do hereby proclaim that a State of Emergency exists throughout the state of Washington, and direct the plans and procedures in the Washington State Comprehensive Emergency Management Plan be implemented. State agencies and departments are directed to utilize state resources in accordance with the Washington State Comprehensive Emergency Management Plan and to do everything reasonably possible to assist affected political subdivisions to respond to and recover from the dangerous wildfire conditions.

2. Wildfires have already caused significant damage to lands, infrastructure, and homes, and the threat to life and property from wildfire remains significant and may cause more extensive damage to homes, businesses, public facilities, natural resources, agricultural lands, infrastructure, and utilities, which is a public disaster that affects life, health, property, and/or the public peace.

3. Wildfires have resulted in overwhelmed and strained health systems, hospitals and long-term care facilities. Several medical facilities in the area have been evacuated and/or closed, while major remaining hospitals are facing severe staffing and operational strain. Area residents have reduced access to necessary medications, medical care and life-sustaining services. As a result of displacements, many area residents cannot access usual sources of care and are seeking care outside their network and region.

4. RCW 48.02.060 (4)(b) and (c) provides in pertinent part that, when the Governor proclaims a state of emergency under RCW 43.06.010(12), the Insurance Commissioner may issue an order that addresses any or all of the following matters related to insurance policies issued in this state: (b) grace periods for payment of insurance premiums and performance of other duties by insureds; and (c) temporary postponement of cancellations or nonrenewals; and (d) medical coverage to ensure access to care.

5. RCW 48.02.060(5) provides that an order by the Insurance Commissioner under subsection (4) of this section may remain effective for not more than sixty (60) days unless the Insurance Commissioner extends the termination date for the order for an additional period of not more than thirty (30) days. The Insurance Commissioner may extend the order if, in the Insurance Commissioner's judgment, the circumstances warrant an extension. An order of the Insurance Commissioner under subsection (4) of this section is not effective after the related state of emergency is terminated by proclamation of the Governor under RCW 43.06.210. The order must specify, by line of insurance:

(a) the geographic areas in which the order applies, which must be within but may be less extensive than the geographic area specified in the Governor's proclamation of a state of emergency and must be specific according to an appropriate means of delineation, such as the United States postal service zip codes or other appropriate means; and

(b) the date on which the order becomes effective and the date on which the order terminates.

6. Emergency action by the Insurance Commissioner is necessary to protect the property, safety and welfare of Washington citizens affected by the 2026 Wildfires in the state of Washington.

Order

Now, therefore, the Insurance Commissioner hereby activates the provisions of RCW 48.02.060 (4)(b) and (c) in order to protect the property, safety and welfare of Washington citizens affected by the 2026 wildfires in the state of Washington, as set forth above.

This Emergency Order shall remain in effect until September 30, 2026, subject to the further order of the Insurance Commissioner extending its effect.

The geographical extent of this Emergency Order is all zip codes, and adjacent zip codes of the state of Washington where (1) wildfires have burned homes and other structures and/or (2) official evacuation orders are issued.

This Emergency Order does not apply to Medicaid, Medicare, Public Employees Benefits Board/School Employees Benefits Board, as well as plans governed by the Employee Retirement Income Security Act of 1974 (i.e., self-funded plans and Taft-Hartley plans).

This Emergency Order is effective immediately and is entered at Olympia, Washington, this 7th day of August, 2026.

Patty Kuderer
Insurance Commissioner