



PREPROPOSAL STATEMENT OF INQUIRY

CR-101 (October 2017) (Implements RCW 34.05.310)

Do **NOT** use for expedited rule making

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FILED

DATE: June 22, 2021

TIME: 10:47 AM

WSR 21-13-132

Agency: Office of the Insurance Commissioner

Subject of possible rule making: Implementation of ESHB 1196 (Chapter 157, Laws of 2021) – Telemedicine and audio-only telemedicine services

Insurance Commissioner Matter R 2021-06

Statutes authorizing the agency to adopt rules on this subject: Section 2 of Chapter 157, Laws of 2021 codified at RCW 48.43.735(9).

Reasons why rules on this subject may be needed and what they might accomplish: RCW 48.43.735 addresses requirements for coverage of telemedicine services by health plans. Prior to enactment of ESHB 1196, RCW 48.43.735 expressly excluded audio-only telephone from the definition of “telemedicine”. ESHB 1196 removes the exclusion of audio-only telemedicine from the coverage requirement, establishes several conditions for coverage of such services and amends statutory language related to telemedicine payment parity. Rules may be needed to clarify terms related to several components of the new law. Such rules will facilitate implementation of the law by ensuring that all affected entities understand their rights and obligations under the new law.

Identify other federal and state agencies that regulate this subject and the process coordinating the rule with these agencies: The state Department of Health (DOH) and the Office of the Insurance Commissioner share responsibility for enforcement of violations of the requirement that a provider obtain patient consent for billing audio-only telemedicine services in advance of the service being delivered. The Office of the Insurance Commissioner will coordinate with DOH on implementation of these provisions. DOH has been invited to participate in any OIC rule making related to enforcement.

Process for developing new rule (check all that apply):

- Negotiated rule making
- Pilot rule making
- Agency study
- Other (describe) Comments due by July 7, 2021

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting:

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(If necessary)

Name:
 Address:
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 Other:

Additional comments:

Date: June 22, 2021

Signature:

Name: Mike Kreidler

Handwritten signature of Mike Kreidler in black ink.

Title: Insurance Commissioner