



August 4, 2021

Mandy Weeks-Green
Washington State Office of the Insurance Commissioner
P.O. Box 40260
Olympia, WA 98504
Submitted via email to: rulescoordinator@oic.wa.gov

Re: R 2021-14 Health Insurance Discrimination and Gender Affirming Treatment CR-101

Dear Ms. Weeks-Green,

On behalf of Cambia Health Solutions family of insurance companies (“Cambia”), including Regence BlueShield, Asuris Northwest Health, and BridgeSpan Health Company, thank you for the opportunity to comment on the CR-101 for the health insurance discrimination and gender affirming treatment rule. We look forward to partnering with the Office of the Insurance Commissioner (OIC) to ensure effective implementation of the new requirements mandated by 2SSB 5313. To this end, our internal subject matter experts have reviewed the legislation itself and would like to offer the following comments for your consideration as you draft rule language.

Cambia believes everyone should have access to affordable, high-quality health care regardless of race, color, national origin, sex, gender identity, sexual orientation, age, or disability. We’re committed to the transgender community and providing health plan benefits for transgender services. This includes coverage of medically necessary gender affirming treatment as part of our health plans’ benefit designs and providing guidance to help our members access the care they need.

Sec. 3(6) of 2SSB 5313 requires the OIC, in consultation with the Department of Health and the Health Care Authority, to issue a report on geographic access to gender affirming treatment across the state. The report is required to include certain data elements such as the number of gender affirming providers, the carriers they are contracted with, and the types of services the providers offer. We understand the OIC may consider placing similar reporting requirements on carriers as part of this rulemaking. It is important to consider that we do not have an existing mechanism to identify providers who offer gender affirming treatment. “Gender affirming provider” is not a provider specialty type; these providers are credentialed and contracted as surgeons, plastic surgeons, physicians (MD), etc. For example, a provider who performs hair electrolysis, a known gender affirming treatment, is likely licensed and contracted as a dermatologist. Gender affirming treatment is instead considered an area of interest or an area of focus, and we are reliant on providers to voluntarily self-report that they offer those services. Because we do not have a reliable, systematic way to know if a provider offers gender affirming treatment, we are concerned data collected

from carriers could unintentionally miss providers who could deliver gender affirming treatment. To avoid incomplete data, we recommend the OIC ask carriers to report the number of providers who are contracted as a provider specialty type who could offer gender affirming services under the scope of their licensure.

We also understand the OIC may consider new carrier provider directory requirements as part of this rulemaking. We support sharing as much information as possible with our members about accessing in-network care and already have initiatives underway to identify certain provider areas of interest or focus. For example, we give our providers the opportunity to identify a LGBTQ+ care area of focus through the provider roster process and we display that indicator in the provider directory. Because we do not contract with providers specifically for gender affirming treatment, we rely on the disclosure of this information to display it. For this reason, we recommend the OIC be as flexible as possible when developing provider directory requirements for gender affirming treatment and recognize it is not a provider specialty type, such as a mental health. We have also taken additional steps to ensure our transgender member population has access to specialized support as they seek to understand their benefits and available in-network care. For example, when a member calls us with questions about accessing gender affirming treatment, we have processes in place for our customer service and care management teams to help members find in-network providers who offer gender affirming treatment and to navigate their benefits and the health care system in general. More details can be found on our LGBTQ support [page](#).

Thank you for considering our comments. During the 2021 legislative session, we worked closely with legislators on 2SSB 5313 and we look forward to working with the OIC on development of rules to implement this legislation. Please feel free to contact me with any questions or to discuss our feedback. I can be reached at Jane.Douthit@Regence.com or (206) 332-5212.

Sincerely,

A handwritten signature in black ink that reads "Jane Douthit". The signature is written in a cursive, flowing style.

Jane Douthit
Cambia Health Solutions
Sr. Public & Regulatory Affairs Specialist