



PREPROPOSAL STATEMENT OF INQUIRY

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

Do NOT use for expedited rule making

CODE REVISER USE ONLY

OFFICE OF THE CODE REVISER
STATE OF WASHINGTON
FILED

DATE: June 09, 2022

TIME: 9:53 AM

WSR 22-13-066

Agency: Office of the Insurance Commissioner

Subject of possible rule making: Implementation of SSB 5610 (Chapter 228, Laws of 2022)—Prescription Drug Cost Sharing—Enrollee Contribution Calculation.

Insurance Commissioner Matter R 2022-05

Statutes authorizing the agency to adopt rules on this subject: Section 1 subsection 3 SSB 5610 Chapter 228, Laws of 2022.

Reasons why rules on this subject may be needed and what they might accomplish: SSB 5610 (Chapter 228, Laws of 2022)—was passed to address ongoing consumer complaints about the inconsistency with the use of discount prescription drug cards, assistance programs and/or coupons. SSB 5610 (Chapter 228, Laws of 2022)—provides direction for applying payments to cost-sharing amounts and the out-of-pocket maximum, except in specified conditions. Given the input of interested parties during the legislative session, rulemaking is needed to clarify any potential ambiguity in implementation, thereby providing the consumer protection the legislation intended.

Identify other federal and state agencies that regulate this subject and the process coordinating the rule with these agencies: The Office of the Insurance Commissioner coordinated with the Health Care Authority (HCA) during the legislative session as payment allowances from third parties may impact the actuarial calculation for individual exchange plans. Further, SEBB and PEBB plans are included in the SSB 5610 (Chapter 228, Laws of 2022)— HCA will participate in OIC rulemaking to the extent the programs are impacted.

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

- Negotiated rule making
- Pilot rule making
- Agency study
- Other (describe) Submit written comments by July 15, 2022

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

Name: Barb Jones	(If necessary) Name:
Address: 302 Sid Snyder Ave., SW, Olympia WA 98504	Address:
Phone: 360-725-7041	Phone:
Fax: 360-586-3109	Fax:
TTY: 360-586-0241	TTY:
Email: rulescoordinator@oic.wa.gov	Email:
Web site: www.insurance.wa.gov	Web site:
Other:	Other:

Additional comments:

Date: June 9, 2022

Name: Mike Kreidler

Title: Insurance Commissioner

Signature: