



FROM |  coordinated care.
1145 Broadway, Suite 300
Tacoma, WA 98402

9/13/2022

Rules Coordinator
Washington State Office of the Insurance Commissioner
P.O. Box 40255
Olympia, Washington 98504-0255
Submitted via email to: rules@oic.wa.gov

**RE: Implementation of E2SHB 1688 (R 2022 – 02)
Comments from Coordinated Care Corporation, NAIC# 95831**

Dear Sir/Madam,

Coordinated Care Corporation (“CCC”) appreciates the opportunity to provide feedback to the Office of the Insurance Commissioner (“OIC”) on the second prepublication draft on the Implementation of E2SHB 1688 (R 2022 – 02). CCC appreciates the efforts by the OIC in addressing some of the issues raised in its comment letter submitted on August 12, 2022.

We would like to reiterate the practical operational issues below that the OIC did not address in our August 12, 2022, comment letter. We believe that addressing these issues will help resolve a pattern of confusion in the administration of the requirement of this rule, bring clarity to the rules and the implementation of the rules. We base our suggestions based on our experience attempting to interpret and implement other rules and reconcile conflicts that sometimes occurs across multiple rules. We respectfully request that you consider our suggestions in the spirit with which they are offered.

Business vs. Calendar Days

The proposed language throughout this rule when mandating a requirement to be met within a certain timeframe either measure the timeframe in calendar days or business days. The lack of consistency in using one standard, as we have observed in our interaction with providers and enrollees, is going to cause further confusion for carriers, providers, and enrollees. In addition, the lack of consistency requires carriers to set different configuration rules for their systems. This makes implementation of rules challenging as each rules have different standard for measuring timeframe. We would, therefore, recommend to the extent possible that, the OIC adopt one standard for measuring timeframe and recognize that the use of calendar days may create operational hurdles, should the time period extend over weekends and holidays.

Definition for “certain participating facilities”.

The Balance Billing Protection Act (BBPA) protects an enrollee from balance billing for non-emergency health care services performed by nonparticipating providers at certain participating facilities. The specific types of facilities that are subject to the law are limited to hospitals (including free standing emergency departments) as well as ambulatory surgical centers. Our recommendation to the OIC for consideration, is to include a definition for “certain participating facilities” in WAC 284-43B-010. This would then limit the

application of the law to specific facilities – and not others such as skilled nursing facilities, Home Health agencies etc. For your consideration, please see our proposed language below.

“For the purposes of this section, certain participating facilities means hospitals and ambulatory surgical centers that are providing services set forth in Ch 48.49 RCW.”

If appropriate this definition could also be expanded to include facilities that provide behavioral health emergency services.

Thank you for consideration of our comments. Please let me know if you have any questions. You may reach me at WACompliance@centene.com.

Respectfully,

A handwritten signature in black ink, appearing to read 'Liz Abekah', written in a cursive style.

Liz Abekah
Compliance Specialist
Coordinated Care Corporation