



August 18, 2023

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P.O. Box 40260
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Submitted via email to: rulescoordinator@oic.wa.gov

Re: Comments on Health Care Benefit Managers CR-101 Rule (R 2023-06)

Dear Ms. Rogalla,

On behalf of the Association of Washington Healthcare Plans (AWHP), thank you for the opportunity to review and provide feedback on the CR-101 for the Health Care Benefit Manager Registration rulemaking. AWHP represents twelve companies offering health insurance coverage to nearly 7 million Washington residents.

Implementing the new regulatory framework for Health Care Benefit Managers (HCBM) was challenging and complex for both health carriers and their HCBM partners. We appreciate the Office of the Insurance Commissioner's (OIC) partnership with our industry throughout the implementation, including meetings, training presentations, and providing additional guidance. We also appreciate the OIC's commitment to improve the process by opening the regulations again and engaging stakeholders. We support simplifying the registration process for HCBMs, including a reduction in the amount of information, and supporting documentation required to apply.

At this CR-101 stage, we do not have specific recommendations regarding the HCBM registration process, however, we will carefully review the stakeholder draft when it is released and may submit comments as needed. We would like to recommend the OIC take this rulemaking opportunity to incorporate some of the informal guidance provided throughout the implementation process. We believe it is important these clarifications are codified. We included those recommendations below.

- Update WAC 284-180-210(2) to clarify that chapter does not apply to the actions of health care benefit managers providing services to or acting on behalf of Medicare Advantage health plans.
- Update WAC 284-180-210(2) to clarify that the chapter applies to standalone dental and vision plans.

- The definition of HCBM under RCW 48.200.020 includes an exception for insurers however, there was confusion about whether an insurer performing HCBM functions for another entity must also register as a HCBM. We recommend the regulations clarify that insurers are not required to register as a HCBM if they are a Washington State licensed insurance company, even if they are performing HCBM functions for another insurance entity. This clarification is important because as a licensed insurer in Washington, the OIC already has regulatory oversight.
- The definition of HCBM under RCW 48.200.020 includes an exemption for hospitals and other provider groups, however, there has been some confusion about whether a hospital and/or provider group performing HCBM functions must also register as a HCBM. We recommend the regulations clarify the OIC's interpretation of the law on this matter. Our understanding is that hospitals and provider groups are exempt from the HCBM requirements of RCW 48.200 only when the delegated responsibility from the health insurer to the provider group is restricted to performing credentialing services. To the extent that they provide other services as defined in RCW 48.200.020 4(a) through 4(b), the OIC will require them to fulfill the HCBM registration and contract filing requirements of RCW 48.200.

We appreciate your consideration of our comments and our continued collaboration as the OIC works on this rulemaking project. Please do not hesitate to contact me with any questions or to discuss.

Sincerely,



Peggi Lewis Fu

Executive Director

Association of Washington Healthcare Plans