



November 20, 2023

Rules Coordinator
Washington Office of the Insurance Commissioner
P.O. Box 40260
Olympia, WA 98504-0260
Submitted via email to: rulescoordinator@oic.wa.gov

Re: Comments on Consolidated Health Care Rulemaking Prepublication Draft (R 2023-07)

To whom it may concern,

I am writing on behalf of the Association of Washington Healthcare Plans (AWHP) to express our appreciation for the OIC's consideration of its feedback on the consolidated health care rulemaking. AWHP has previously submitted comments on the CR-101 and prepublication draft for these rules, and we respectfully request the Office of the Insurance Commissioner (OIC) to address the concerns we raised in our earlier submissions, particularly in relation to ESHB 1222 (coverage mandate for hearing instruments and associated services).

E2SHB 1222, codified as RCW 48.43.135, does not distinguish between coverage requirements for hearing instruments and services received from participating versus non-participating providers. Requiring enrollees to use network providers is an essential cost containment measure aimed at maintaining the affordability of health plans. In line with our recommendation mentioned earlier, we kindly request that the rules confirm carriers may apply normal plan designs with respect to network structure when covering the benefit. For instance, if a health plan lacks out-of-network benefits for other services, this structure should be consistently applied to the hearing instrument benefit as well.

We recommend the following language be inserted between draft WAC 284-43-5937 (3) and (4) to address these concepts.

(4) With the exception of deductible requirements referenced in section 1(4) of RCW 48.43.135 for the services and hearing instruments covered under RCW 48.43.135 may be subject to terms and conditions generally applicable to the health plan, including applicable cost-sharing and network requirements.

Additionally, we recommend the following language be removed from WAC 284-43-5937 (1).

(1) The purpose of this regulation is to effectuate the provisions of RCW 48.43.135 by requiring health carriers to include coverage for hearing instruments regardless of network status.

Thank you for your attention to these critical matters. We look forward to your response and continued collaboration to ensure the effective implementation of ESHB 1222.

Sincerely,



Peggi Lewis Fu

Executive Director

Association of Washington Healthcare Plans