



# PREPROPOSAL STATEMENT OF INQUIRY

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

Do **NOT** use for expedited rule making

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FILED

DATE: May 21, 2024

TIME: 6:24 AM

WSR 24-11-117

**Agency:** Office of the Insurance Commissioner

Insurance Commissioner Matter R2024-01

**Subject of possible rule making:** Implementation of SSB 5986 and updates to the Balance Billing Protection Act (BBPA) rules in Chapter 284-43B WAC.

**Statutes authorizing the agency to adopt rules on this subject:** RCW 48.49.110; RCW 48.02.060; Section (3)(3) (amending RCW 48.49.060), Chapter 218, Laws of 2024

**Reasons why rules on this subject may be needed and what they might accomplish:** SSB 5986 was signed into law on March 19, 2024. The legislation adds ground ambulance balance billing protections to the Balance Billing Protection Act (BBPA). Rulemaking is necessary to revise Chapter 284-43B WAC to include reference to ground ambulance services. The rules will facilitate the implementation of the law changes by ensuring that affected entities understand their rights and obligations under the new law. Rulemaking is also necessary to update the BBPA rules, including but not limited to consideration of arbitrator fees and revisions to the arbitration process for arbitration authorized under RCW 48.49.135.

**Identify other federal and state agencies that regulate this subject and the process coordinating the rule with these agencies:** The state Department of Health (DOH) and the Office of the Insurance Commissioner (OIC) share responsibility for enforcement of violations of the balance billing prohibition. The OIC has been and will continue to coordinate with DOH on implementation of these provisions. DOH will be invited to participate in any OIC rulemaking related to enforcement. The provisions of the BBPA also apply to health plans offered through the Public Employee Benefits Board (PEBB) and School Employees Benefits Board (SEBB), which are administered by the Washington State Health Care Authority (HCA). The HCA also will be invited to participate in this rulemaking.

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

- Negotiated rule making
- Pilot rule making
- Agency study
- Other (describe) Submit comments by: June 21, 2024

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

Name: Rules Coordinator  
 Address: 302 Sid Snyder Ave., SW, Olympia WA 98504  
 Phone: 360-725-7171  
 Fax: 360-586-3109  
 TTY: 360-586-0241  
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 Web site: www.insurance.wa.gov  
 Other:

(If necessary)

Name:  
 Address:  
 Phone:  
 Fax:  
 TTY:  
 Email:  
 Web site:  
 Other:

Additional comments:

**Date:** May 21, 2024

**Name:** Mike Kreidler

**Title:** Insurance Commissioner

**Signature:**

A handwritten signature in black ink that reads "Mike Kreidler". The signature is written in a cursive style with a long horizontal stroke at the end.