



September 16, 2024

Rule Coordinator  
Office of the Insurance Commissioner  
302 Sid Snyder Ave SW  
Olympia, WA 98501  
[rulescoordinator@oic.wa.gov](mailto:rulescoordinator@oic.wa.gov)

Re: R 2024-02 - Comment on Second Prepublication Draft Relating to Health Care Benefit Managers (HCBM)

To whom it may concern:

The Washington State Pharmacy Association (WSPA) continues to be very appreciative of the inquiry, and effort by the OIC staff to create impactful PBM regulations. The OIC staff have made great efforts to include stakeholder feedback, and the pharmacy community is grateful. Below we offer additional suggestions to strengthen and clarify the rule to protect patients and pharmacies. Thank you for the opportunity to provide these comments. The WSPA collaborated with a subcommittee of members to formulate our feedback.

**WAC 284-180-230**

We strongly support basing the fees paid by PBMs being based on their Washington state gross income. We believe this is equitable.

**WAC 284-180-465**

The OIC staff may want to consider including language that restricts a PBM from including as a condition of coverage that employers may not be able to opt out of the protections of this law. We worry that PBMs could limit the impact of this law by refusing coverage or contracts to employers that opt into the protections of this chapter.

**WAC 284-180-507**

(2) The PBMs must provide the BIN, PCN and group identifiers for individual and group fully insured plans (regulated by the state) that fall under this rule in addition to the opt in plans. The current language requires them to report only the opt in plans, which is not sufficient for regulation or identifying appeal opportunities.

(9) We suggest including the word minimum 90 days that they must uphold the appeal. This will clarify that the new rate can be posted longer, as appropriate.

(12) Consider adding a time frame of 2 weeks to 30 days after employee changes to notify the OIC staff of the new contact.

**WAC 284-180-515 to 517, 522**

The WSPA's members would like to learn more about why brief adjudicative proceedings are used by the OIC staff. Perhaps the WSPA staff could have a call to discuss these hearings and their use for appeals so that we can convey this to members.

Thank you for the opportunity to comment on the rules for enforcement of the HCBM Chapter. We are available for further discussion and look forward to participating in stakeholder meetings.

Sincerely,

A handwritten signature in black ink, appearing to read "Jenny Arnold". The signature is stylized and cursive.

Jenny Arnold, PharmD, BCPS  
Chief Executive Officer