



December 8, 2020

Mandy Weeks-Green
Senior Health Policy Analyst
Office of the Insurance Commissioner

Via email

Dear Ms. Weeks-Green:

On behalf of the APTA Washington (formerly the Physical Therapy Association of Washington), I am providing comments on the Office of the Insurance Commissioner's (OIC) rules proposal, R 2020-04 Health Care Benefit Managers. APTA Washington appreciates the work by you and your team to draft these rules that implement E2SSB 5601, the new law requiring health care benefit managers to register with the OIC. As you know, APTA Washington was part of a coalition of providers that supported and worked to pass this bill into law, and we support these proposed rules implementing E2SSB 5601.

E2SSB 5601 is an important law that helps to ensure patients' access to their health care benefits when they need them. This law requires health benefit managers to register with the Office of the Insurance Commissioner (OIC) if they do business in Washington. This registration requirement will guarantee that health benefit managers are conducting business in a transparent manner and are accountable to the state for the decisions they make.

As you know, health benefit managers make critical decisions as to how, when, and how often consumers can access their health benefits. These companies are typically out-of-state and until E2SSB 5601 was signed into law, they were completely unregulated in Washington.

Over the past several years, these benefit managers have increasingly denied patients access to their health benefits, even when their primary care provider and physical therapist say physical therapy is necessary, and when the patient or employer in good faith has purchased a policy that explicitly includes a physical therapy benefit.

These proposed rules implement this important new law by creating the process for health benefit managers to register with the OIC. APTA Washington supports these rules, particularly the language in WAC 284-180-240 (Registration Information).

This section outlines what information must be included in a health care benefit manager's registration application. This list captures all the relevant information necessary to conduct business with the health care benefit manager. Specifically, we support the inclusion of the name and contact information for the person responsible for compliance with state and federal laws and the names of all persons and entities with an ownership interest in the health benefit manager.

With E2SSB 5601 and these rules, our state will gain the ability to regulate this very important benefit management function. As a result, there will be accountability to the state, consumers, and providers for the actions of these health benefit managers. And there will be transparency regarding the relationship between the health benefit managers and the insurers with whom they contract.

Again, thank you for the opportunity to comment on these proposed rules.

Sincerely,

A handwritten signature in cursive script that reads "Meryl R. Gersh". The signature is written in black ink on a white background.

Meryl Gersh, PT, PhD
President, APTA Washington