

From: [Meg Jones](#)
To: [Beyer, Jane \(OIC\)](#)
Cc: [Weeks-Green, Mandy \(OIC\)](#)
Subject: RE: R2020-04 Benefit Manager Rulemaking: PacificSource Health Plan CR101 comments
Date: Tuesday, June 30, 2020 4:35:12 PM
Attachments: [image001.png](#)
[image002.png](#)

Thanks so much, Jane! Mandy, let me know if you have any questions.

Stay well & safe – we’re all doing fine on my end. Appreciate your good wishes –
Meg

Meg Jones

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From: Beyer, Jane (OIC) <JaneB@oic.wa.gov>
Sent: Tuesday, June 30, 2020 4:25 PM
To: Meg Jones <Meg.Jones@pacificsource.com>
Cc: Weeks-Green, Mandy (OIC) <MandyW@oic.wa.gov>
Subject: RE: R2020-04 Benefit Manager Rulemaking: PacificSource Health Plan CR101 comments

⚠ Caution: External email ⚠

Meg –

Hope this finds you and your beautiful granddaughter well. Mandy’s on point for the benefit manager rule, so I’m forwarding this message to her.

Take care.

Jane



Jane Beyer

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From: Meg Jones [<mailto:Meg.Jones@pacificsource.com>]

Sent: Tuesday, June 30, 2020 4:24 PM

To: Beyer, Jane (OIC) <JaneB@oic.wa.gov>

Subject: R2020-04 Benefit Manager Rulemaking: PacificSource Health Plan CR101 comments

Dear Jane:

Thank you for the opportunity to provide comments on the Office of the Insurance Commissioner's (OIC) rule making implementing 2SSHB 5601 (2020). PacificSource Health Plan's comments are organized in relation to specific sections of the bill form of the law for your ease of reference.

Sec. 2 Definitions – (4))(a)

In addition to directly contracting with health systems and providers to ensure enrollee access to services, carriers also contract with entities that allow access to contracted networks they have formed (known as Rental or Leased Networks), permitting enrollees to access those providers on an in-network basis as well. We urge the Commissioner to clarify in rule that these entities are not considered benefit managers, as the legislative intent underlying the bill speaks to a desire to regulate specific benefit related decision making by businesses supporting carriers, not with providing seamless access to providers. Using that same rationale, we ask that the OIC specifically confirm that where a carrier has delegated credentialing to a provider group or a delivery system that may not fit into one of the enumerated exceptions, that delegating that function does not create a benefit manager relationship.

Sec. 5 –

We also urge the OIC to include in the rules confirmation that the enforcement provisions of the section only apply to actions serving fully insured coverage, and not employer sponsored plans that are self-insured or ERISA plans.

In addition, we urge the OIC to clarify that the enforcement authority granted to the commissioner under chapter 19.340 RCW is separate from the enforcement authority in sec. 5, and that carriers will not be held primarily liable for pricing actions of benefit managers.

Finally, we urge the clarification in rule that a carrier's vicarious liability for benefit manager actions only apply to actions related to the carrier's members.

Sec. 6 –

We ask that the carriers may provide the Notice to enrollees required in (2) electronically, in lieu of requiring a hard copy mailing.

Thank you again for considering our comments as you consider rulemaking to implement 2SSB 5601.

Sincerely,
PacificSource Health Plan
By:

Meg Jones
Director, Government Relations

Meg Jones

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