



PREPROPOSAL STATEMENT OF INQUIRY

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

Do **NOT** use for expedited rule making

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STATE OF WASHINGTON
FILED

DATE: June 04, 2024

TIME: 2:29 PM

WSR 24-12-075

Agency: Office of the Insurance Commissioner Insurance Commissioner Matter R2024-05

Subject of possible rule making: Implementation of SSB 5300 (2023-24), ESHB 2041 (2023-24), SB 5821 (2023-24), ESHB 1957 (2023-24), and other related legislation and laws incorporated as consolidated health care rulemaking.

Statutes authorizing the agency to adopt rules on this subject: RCW 48.02.060; RCW 48.43.0961 (to effectuate Chapter 325, Laws of 2023); section 11 of Chapter 62, Laws of 2024; RCW 48.43.735 (to effectuate Chapter 215, Laws of 2024); and RCW 48.43.047 (to effectuate Chapter 314, Laws of 2024).

Reasons why rules on this subject may be needed and what they might accomplish: The Insurance Commissioner is considering consolidated health care rulemaking due to the recent passage of insurance-related legislation and other changes in law. Multiple provisions of health care and insurance regulations in the Washington Administrative Code (WAC) may need to be updated by OIC to be consistent with the legislation passed and codified in the Revised Code of Washington (RCW) and recent federal law changes. These rules will facilitate implementation of the new laws by ensuring that all affected health care and insurance entities understand their legal rights and obligations under the enacted legislation.

This rulemaking may include but is not limited to: clarifying prescription drug coverage for behavioral health treatment; updating reimbursement and collaboration requirements related to physician assistants; updating the definition of "established relationship" as applied to audio-only telemedicine services; and clarifying coverage and cost sharing requirements for preventive services. This rulemaking may include but is not limited to the following authorities: WAC 284-43-5000; 284-43-5080; 284-43-5110; 284-43-2021; 284-43-5800; 284-170-270; 284-170-411; 284-170-480; 284-170-421; 284-170-431; 284-43-5642; 284-170-433; 284-170-130; and 284-43-5980.

Identify other federal and state agencies that regulate this subject and the process coordinating the rule with these agencies: The OIC is promulgating administrative regulations related to the commercial plans it regulates. However, there are other state agencies who may be affected by the legislation requiring this rulemaking.

The state Department of Health (DOH) and OIC are both affected by the legislation regarding prescription drugs and physician assistant collaboration agreements. The Health Care Authority (HCA) and OIC also have similar statutory authority for the "established relationship" provisions pertaining to audio-only telemedicine. Therefore, the OIC will coordinate on this rulemaking with other agencies, including the state DOH and HCA, by offering notices and opportunities for written comment or feedback with multiple participation forums.

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

- Negotiated rule making
- Pilot rule making
- Agency study
- Other (describe) Submit written comments by July 5, 2024.

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

(If necessary)

Name: Rules Coordinator
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Name:
Address:
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Other:

Additional comments:

Date: June 4, 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, flowing style.