



December 19, 2014

Washington State Office of the Insurance Commissioner  
P.O. Box 40255  
Olympia, WA 98504-0255

Dear Commissioner Kreidler:

Thank you for distributing the draft rule (WSR 14-22-086) regarding the development of standards for prior authorization of pharmacy benefits.

ESSB 6511, passed during the 2014 legislative session, instructed the OIC to reauthorize OneHealthPort's administrative simplification efforts, and establish a new workgroup to develop recommendations for prior authorization requirements. The workgroup was required to submit recommendations to the OIC by October 31, 2014, and OIC is required to adopt rules implementing the recommendations of the workgroup.

As the OIC is in the preproposal stage and not yet in the formal rulemaking process, we ask that you consider the following in order to craft rules that will improve the delivery of medicine for Washington's patients and providers. Administrative simplification and access to care are the lenses through which we view the rulemaking proposal.

With that in mind, please consider the following:

- Address prior authorization more broadly. In the 2009 session, the Washington State Legislature passed SB 5346 designed to streamline and standardize administrative interactions between payers and providers<sup>1</sup>. Although ESSB 6511 restricts the OIC to craft rules implementing the recommendations of the workgroup, we argue that the OIC has independent authority to address prior authorization more broadly, including for medical benefits as well.
- Seek input from patient and consumer organizations. Overall, it appears the workgroup included functional approaches to addressing the sort of real-world scenarios wherein a patient could be left without needed medication due to a carrier's internal policies. Unfortunately, the voice of patient and consumer organizations was not present during the work group's discussions. We urge you to meet with us to discuss specific recommendations missing from the workgroup's final product.
- Proposed changes to the Washington Administrative Code.
  - Compliance with recommendations. While the bill language sets out the expectations for carrier compliance with these procedures, it's unclear whether there would be any penalty imposed for failure to comply. We recommend that standards be developed in order to ensure best application of the recommendations, once adopted. We argue that uniform standards for failure to comply with the rules are a preferred option to relying on patients or providers to file a complaint with the OIC should there be any consequence in obtaining a needed medication.
  - Creating a standardized form. The workgroup proposed rules requiring current formulary information to be available in electronic prescribing applications, including specific data points. We think this information and the data points should be the basis for adopting a standardized prior authorization form utilized by all health plans.

Our hope is that you will take this opportunity to make the OICs approach to this rule as comprehensive and thoughtful as possible. We appreciate your consideration of our comments and will follow up with you about a time to meet to discuss specific patient and consumer organization recommendations.

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<sup>1</sup> <http://www.onehealthport.com/content/best-practices-recommendations-overview>

Sincerely,

American Cancer Society Cancer Action Network, Inc.  
American College of Rheumatology  
American Lung Association of the Mountain Pacific  
Arthritis Foundation Great West Region  
Autoimmune Advocacy Alliance  
Behavioral Health & Wellness  
Bleeding Disorder Foundation of Washington  
Caring Ambassadors Program, Inc.  
Connect1D  
Crohn's & Colitis Foundation of America Northwest Chapter  
ICAN, International Cancer Advocacy Network  
NAACP- Snohomish County Branch  
National Federation of Independent Business  
National Multiple Sclerosis Society Greater Northwest Chapter  
Northwest Health Law Advocates  
One in Four Chronic Health  
Pat's Fund  
Scleroderma Foundation Evergreen Chapter  
Sound Urological Associates  
Veterans Affairs Committee of the Alaska, Oregon  
-and Washington Area Conference  
Vets Place Northwest Welcome Home  
Washington Osteopathic Medical Association  
Washington Rheumatology Alliance  
Washington State Medical Association  
Washington State Medical Oncology Society  
Washington State Pharmacy Association

