

July 9, 2015

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

Dear Commissioner Kreidler:

Thank you for proposing new draft rules regarding the development of standards for prior authorization of pharmacy benefits.

Many of the undersigned organizations submitted comments to you in December supporting development of these rules. We are pleased that timely exchange of up-to-date information related to prior authorization and formulary requirements is required in these draft rules.

Content of the proposed rule:

- We also support the standardization of prior authorization timeframes between prescribers and health plans, and believe this will help lead to more timely decisions about patients' access to necessary and often life-saving medication.
- The proposed requirements for emergency-fills of medication though would recommend extending the emergency fill procedures applicable even when a patient does not present at a contracted pharmacy. Considering the nature of an emergency, patients and prescribers may not have that flexibility to choose a contracted pharmacy.
- Moreover, we support making current formulary and related pre-authorization information electronically available.

However, missing in these proposed rules are key components we believe will improve the delivery of medicine for Washington's patients and providers. Administrative simplification and access to care continue to be the lenses through which we view the rulemaking proposal.

With that in mind, we urge you to **consider the following as you continue to develop these rules:**

- 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 providers¹. 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.
- Mandate compliance with recommendations. Although ESSB 6511 established 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.
- Create a standardized form for medication prior authorization to be used among all issuers. The proposed rules require 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. A standardized form will further minimize unnecessary delays for prescribers and pharmacies, and help patients obtain more timely access to necessary medication.

We strongly support taking a more comprehensive approach to this rule than what is proposed in the current draft. We appreciate your consideration of our comments.

American Cancer Society Cancer Action Network, Inc.

Arthritis Foundation - Great West Region

Autoimmune Advocacy Alliance (A3)

Behavioral Health & Wellness

Bleeding Disorder Foundation of Washington

ConneT1D

International Cancer Advocacy Network (ICAN)

Lupus Foundation of America- Pacific NW Chapter

Medical Group Management Association – Washington State

National Alliance on Mental Illness (NAMI)

National Association for the Advancement of Colored People- Snohomish Branch (NAACP)

National Federation of Independent Business (NFIB)

One in Four Chronic Health

Pat's Fund

Scleroderma Foundation- Evergreen Chapter

Vets Place Northwest Welcome Home!

Washington Academy of Physician Assistants

Washington Chapter American Academy of Pediatrics

Washington State Medical Association

Washington State Medical Oncology Society

Washington State Prostate Cancer Coalition

Washington State Society of Anesthesiologists

Washington State Urology Society