



PREPROPOSAL STATEMENT OF INQUIRY

CR-101 (June 2004)

(Implements RCW 34.05.310)

Do **NOT** use for expedited rule making

Agency: Office of the Insurance Commissioner

Subject of possible rule making:

Drug substitution request process

Insurance Commissioner Matter No. R 2016-22

Statutes authorizing the agency to adopt rules on this subject: RCW 48.02.060

Reasons why rules on this subject may be needed and what they might accomplish:

45 CFR §155.122(c) sets forward specific processes that health plans must follow in order to provide enrollees with sufficient access to prescription drugs that are not covered by the plan. Rules are necessary to ensure that state law is consistent with federal requirements.

Identify other federal and state agencies that regulate this subject and the process coordinating the rule with these agencies:

HHS released the 2017 Notice of Benefit and Payment Parameters setting forth new parameters for a health plan's substitution process. The proposed rules would follow the new parameters.

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

☐ Negotiated rule making

☐ Pilot rule making

☐ Agency study

☒ Other (describe) Submit written comments by: September 15, 2016.

To: Jim Freeburg

rulescoordinator@oic.wa.gov

Fax: 360-586-3109

How interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication:

(List names, addresses, telephone, fax numbers, and e-mail of persons to contact; describe meetings, other exchanges of information, etc.)

Jim Freeburg

PO Box 40258

Olympia WA, 98504

360-725-7170

rulescoordinator@oic.wa.gov

DATE

July 29, 2016

NAME (TYPE OR PRINT)

Mike Kreidler

SIGNATURE

TITLE

Insurance Commissioner

CODE REVISER USE ONLY

OFFICE OF THE CODE REVISER
STATE OF WASHINGTON
FILED

DATE: July 29, 2016

TIME: 4:31 PM

WSR 16-16-093