



November 10, 2021

Jane Beyer
Washington State Office of the Insurance Commissioner
P.O. Box 40260
Olympia, WA 98504
Submitted via email to: rulescoordinator@oic.wa.gov

Re: R 2021-16 Implementation of ESHB 1477 Proposed Rule

Dear Ms. Beyer,

On behalf of Cambia Health Solutions family of insurance companies (“Cambia”), including Regence BlueShield, Asuris Northwest Health, BridgeSpan Health Company, Regence BlueCross BlueShield of Oregon, and Regence BlueShield of Idaho thank you for the opportunity to comment on the implementation of E2SHB 1477 and consolidated health care rulemaking proposed rule. We would like to offer the following comments for your consideration.

WAC 284-170-280 Network reports—Format.

Cambia remains concerned with the next-day appointment reporting requirements proposed in this section of the rule. Currently, we do not have the capability to report the number of next day appointments available in our networks on a weekly basis. While we believe this is a noble goal that we would like to continue to work towards with the entire health care system, the requirement fails to recognize our reliance on health care providers to share their appointment availability with us. We do not have access to provider scheduling systems and appointment availability is not shared with us on a real-time basis. Additionally, we are concerned with the burden this will place on providers, especially many of the small, independent behavioral health practices. Regardless, we recognize the need to provide information to the Office of the Insurance Commissioner (OIC) that demonstrates how we are complying with the requirement to make next-day appointments available to our members experiencing urgent, symptomatic behavioral health conditions. Therefore, we would like to see the reporting requirements focused on the processes and data that carriers have control over. With the above in mind, we recommend the following changes to the reporting requirements proposed in WAC 284-170-280(3)(c):

1. **Change the reporting frequency from weekly to quarterly.** This will ensure the OIC still obtains data necessary to ensure compliance with the underlying requirement from E2SHB 1477 but helps reduce the administrative burden on carriers and providers.
2. **Limit the reporting to instances when a member directly contacts their health plan for help scheduling a next-day appointment.** We support ensuring there is a process to help members

who are struggling to find a behavioral health service appointment; however, carriers do not have visibility when a member calls the 988 crisis hotline or when they contact a health care provider about an appointment.

3. **Ensure there are exceptions to carrier responsibility to meet the next-day appointment timeframe.** For instance, carriers cannot control whether a member follows through and goes to a scheduled appointment; carriers cannot control whether a member agrees to see a provider who has next-day appointment availability; and carriers should not be penalized if a provider cancels a scheduled appointment.
4. **Remove the requirement to report the number of next-day appointments available.** We believe compliance with the next-day appointment availability requirement can be demonstrated by reporting the number of member requests a carrier receives for next-day appointments and how many of those requests resulted in appointments scheduled within the required timeframe. Reporting the number of next-day appointments available across our networks will not demonstrate whether members are struggling to access appointments. It would be difficult for the OIC to determine what number of open appointments are required to demonstrate adequate access. If a carrier is not meeting the next-day timeframe when a member contacts them for assistance scheduling an appointment, further investigation into network adequacy could be conducted.

We also want to express support for the letter submitted by the Association of Washington Healthcare Plans and the language changes they proposed for WAC 284-170-280(3)(c).

Thank you for considering our comments. Please feel free to contact me with any questions or to discuss our feedback. I can be reached at Jane.Douthit@Regence.com or (206) 332-5212.

Sincerely,

A handwritten signature in black ink that reads "Jane Douthit". The signature is written in a cursive, flowing style.

Jane Douthit
Cambia Health Solutions
Sr. Public & Regulatory Affairs Specialist