

August 23, 2019

OIC Rules Coordinator
5000 Capitol Blvd SE
Tumwater, WA 98501

Submitted via electronic mail to RulesCoordinator@oic.wa.gov

RE: CR-102 for R2018-09, Adverse Notifications Rulemaking

Dear OIC Rules Coordinator:

On behalf of Northwest Health Law Advocates (NoHLA), we submit the following CR-102 comments in response to the Commissioner's proposed rule regarding adverse notifications. NoHLA is a nonprofit health care advocacy organization whose mission is to ensure that all Washington state residents have access to quality, affordable health care.

We are disappointed to see that OIC did not amend the proposed rule in response to our comments on the stakeholder draft. The proposed rule requires each adverse notification provided include the information outlined in subsection (3). However, to ensure that consumers with limited English proficiency (LEP) receive the information in a language they understand, taglines that inform individuals of the availability of language assistance services including interpretation and translation should be required as well. Consistent with the requirements of § 1557 of the Affordable Care Act and embodied in the Health Benefit Exchange's Language Access Plan, taglines at a minimum should be made available in the top 15 non-English languages spoken in the state.

Recommendation:

OIC should require taglines that inform LEP individuals of the availability of language assistance services in the top 15 non-English languages spoken in the state.

We recommend adding a subsection (5) to WAC 284-30-770 to read as follows: On each adverse notification provided, the notice must include the following tagline in the top 15 non-English languages spoken in the state:

"Language assistance services, including interpreters and translation of printed materials, are available free of charge. Call [insert number]."

Thank you for the opportunity to comment. Please contact us with any questions regarding our comments.

Sincerely,

Huma Zarif
Staff Attorney