

August 12, 2021

Office of the Insurance Commissioner
ATTN: Jane Beyer
302 Sid Snyder Avenue SW
Olympia, WA 98504

RE: Audio-Only Telemedicine Stakeholder Draft Comments

Dear Ms. Beyer,

On behalf of the Washington State Hospital Association, thank you for the opportunity to provide feedback on the Office of the Insurance Commissioner's audio-only telemedicine stakeholder draft. We appreciate OIC's engagement on this issue and offer the following recommendations.

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Clarify Proposed WAC 284-170-130 3(b)

Thank you for addressing scenarios in which audio-visual telemedicine visits switch to audio-only telemedicine visits due to unanticipated circumstances. During the August 6, 2021 stakeholder meeting, OIC staff stated the intent of 3(b) is to ensure that audio-visual visits that change formats are still treated as audio-visual visits for billing purposes. Hospitals recommend adding the additional language below to 3(b) to make the intent clear:

(b) "Audio-only telemedicine" does not include real-time communication between a covered person and a provider that begins with the use of audio and visual technology but due to unanticipated circumstances must shift to audio-only technology in order to continue communication between the provider and covered person. In such cases, the communication between the provider and the covered person remains an audio and visual telemedicine encounter for purposes of coverage, billing, and payment.

Use the Statutory "Store and Forward Technology" Definition

The definition of "store and forward technology" proposed in WAC 284-170-130 (41) differs from the statutory definition in RCW 48.43.735 by specifically excluding "voice mail" and "text messaging." However, "text messaging" is an undefined term and may be interpreted differently by stakeholders. This leads to questions about what types of text-based communications OIC is seeking to exclude from its "store and forward technology" definition. For example, many regard patient-provider conversations within electronic health record systems as an asynchronous store and forward modality. It is unclear if such conversations would be excluded as store and forward services under the proposed definition. Similarly, "voice mail" is undefined and could lead to different interpretations by stakeholders. Because of this, OIC should use the statutory definition of "store and forward technology" found in RCW 48.43.735.

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Thank you again for the opportunity to comment on OIC's stakeholder draft. Should you have additional questions on these recommendations, please contact David Streeter, DavidS@wsha.org or Andrew Busz, AndrewB@wsha.org.

Sincerely,



Andrew Busz
Policy Director, Finance
Washington State Hospital Association
(206) 216-2533
andrewb@wsha.org



David Streeter
Policy Director, Clinical and Data
Washington State Hospital Association
(206) 216-2508
davids@wsha.org