



# PREPROPOSAL STATEMENT OF INQUIRY

## CR-101 (October 2017) (Implements RCW 34.05.310)

Do NOT use for expedited rule making

CODE REVISER USE ONLY

OFFICE OF THE CODE REVISER  
STATE OF WASHINGTON  
FILED

DATE: May 03, 2022

TIME: 1:04 PM

WSR 22-10-078

**Agency:** Office of the Insurance Commissioner

**Subject of possible rule making:** Implementation of E2SHB 1688 (Chapter 263, Laws of 2022) – Balance Billing Protection Act & the Federal No Surprises Act

Insurance Commissioner Matter R 2022-02

**Statutes authorizing the agency to adopt rules on this subject:** Sections 5, 19, and Section 20 (amending RCW 48.49.110) of Chapter 263, Laws of 2022

**Reasons why rules on this subject may be needed and what they might accomplish:** Chap. 263, Laws of 2022 amends state law related to health carrier coverage of emergency services, the Balance Billing Protection Act (BBPA) and network access provisions for services subject to the balance billing prohibition under the BBPA. Rulemaking is necessary to revise the Balance Billing Protection Act rules at chapter 284-43B WAC and OIC network access rules at chapter 284-170 WAC to be consistent with the new law. The rules will facilitate implementation of the law changes by ensuring that all affected entities understand their rights and obligations under the new law.

**Identify other federal and state agencies that regulate this subject and the process coordinating the rule with these agencies:** The state Department of Health and the Office of the Insurance Commissioner share responsibility for enforcement of violations of the balance billing prohibition. The Office of the Insurance Commissioner has been, and will continue to coordinate with DOH on implementation of these provisions. DOH will be invited to participate in any OIC rule-making related to enforcement.

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

- Negotiated rule making
- Pilot rule making
- Agency study
- Other (describe) Submit comments by: May 31, 2022.

**Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting:**

Name: Jane Beyer	(If necessary) Name:
Address: 302 Sid Snyder Ave., SW, Olympia WA 98504	Address:
Phone: 360-725-7043	Phone:
Fax: 360-586-3109	Fax:
TTY: 360-586-0241	TTY:
Email: rulescoordinator@oic.wa.gov	Email:
Web site: www.insurance.wa.gov	Web site:
Other:	Other:

Additional comments:

**Date:** May 3, 2022

**Name:** Mike Kreidler

**Title:** Insurance Commissioner

**Signature:**