

# Overview of changes between stakeholder drafts of prior authorization rules (R 2016-19)

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This document is intended as a resource for stakeholders to compare the differences between the first and second stakeholder drafts for the prior authorization rule (R 2016-19). It includes references to significant changes between the two drafts, but it is not a comprehensive, exhaustive comparison. Stakeholders are encouraged to conduct their own thorough analysis and not rely solely on this document for their understanding of the rules. Statements in this document should not be considered as official OIC policy.

To help track changes and account for the renumbering that occurred between drafts, references have been made to both subsections in the first stakeholder draft (e.g. “old sub 1”) and in the second stakeholder draft (e.g. “new sub 2”).

## Changes throughout the rule

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Throughout the new stakeholder draft, it has been clarified that if a carrier uses a designated or contracted entity to conduct prior authorization, the designated or contracted entity is responsible for meeting the requirement.

Changes have been made to clarify that facilities should be treated the same as providers.

## Changes to definitions section (WAC 284-43-0160)

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The definition of prior authorization is refined to distinguish it from the optional pre-determination request.

The definition of prior authorization is clarified to ensure that prior authorization is the responsibility of the provider or facility, rather than the enrollee.

New definitions have been added to the draft for the terms “pre-service requirement,” “immediate prior authorization request,” and “pre-determination request.”

## Changes to prior authorization processes (WAC 284-43-2050)

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The sections have been renumbered to reflect a more logical sequence.

The scope of the rule has been clarified, including a new effective date (new sub 1).

The requirements for the decision-making by a carrier's prior authorization program have been refined (new sub 2, old sub 12).

No significant changes have been made to certification requirements (new sub 3, old sub 12).

The requirements for an online prior authorization system have been changed to clarify the capacity of a carrier's online prior authorization system (new sub 4, old sub 1), including clarification around the processing requirement (new sub 5, old sub 3).

Information provided during a denial has been refined (new sub 5(a), old sub 1(a)), including the requirement regarding the authorizing authority.

Information regarding notification of a service being provided by an out-of-network provider or facility has been refined (new sub 5(b), old sub 1(b)).

A new requirement for carriers to maintain the information given to them by providers and facilities has been added (new sub 6).

The requirement for carriers to process a prior authorization request at any time has been refined (new sub 7, old sub 2).

The review timeframes have been adjusted, with new timeframes for all types of prior authorization, including a new standard for immediate prior authorization requests, including situations that do not qualify as an immediate prior authorization request (new sub 9(a)/10, old sub 6).

Prior authorization process requirements have been refined (new sub 11, old sub 8).

It has been clarified that a prior authorization denial is subject to an appeal (new sub 12).

The expiration of a prior authorization has been clarified (new sub 13, old sub 7).

The responsibility of a carrier to hold a third-party vendor or subcontractor responsible for meeting the prior authorization requirements has been clarified (new sub 15, old sub 10).

The requirement for a carrier to honor an enrollee's prior authorization in the case of market withdrawal has been clarified (new sub 16, old sub 11).

A new section on a pre-determination notice has been added to provide clarity (new sub 17).

The significance of a change to a carrier's prior authorization procedures has been clarified (new sub 18).

A new requirement has been added regarding the prior authorization of a facility to facility transport (new sub 19).

## **New extenuating circumstances section (WAC 284-43-2060)**

A new section has been added to require that carriers have an extenuating circumstances policy to allow providers to submit a prior authorization after a service has been provided under limited circumstances.

## **Changes to utilization review section (WAC 284-43-2000)**

The existing section on utilization review has been edited to reflect new, distinct requirements for prior authorization.