

July 7, 2023

Mr. Mike Kreidler  
Insurance Commissioner  
Washington State Office of the Insurance Commissioner  
P.O. Box 40255  
Olympia, WA 98504  
Sent via electronic mail

Subject: Balance billing for ground ambulance services

Dear Commissioner Kreidler,

This is in response to your letter to Regence BlueShield (“Regence”) dated June 26, 2023, regarding balance billing for ground ambulance services. As part of that letter, the Office of the Insurance Commissioner (OIC) provided feedback regarding the actions Regence will take to resolve the application of the No Surprises Act (NSA) to ground ambulance services for interfacility transports.

Regence is focused on resolving this matter, and we appreciate the OIC working with us as we address this situation. In response, please find Regence’s revised action plan below.

1. Agree not to apply Washington’s Balance Billing Protection Act and the NSA to out-of-network ground ambulance claims for fully insured plans in Washington unless subsequent guidance or regulations are issued by the OIC, the federal Department of Health and Human Services, the Center for Medicare and Medicaid Services, and/or the Department of Labor in conflict with such a position.
2. Reprocess past fully insured claims from Washington State ground ambulance providers by 8/1/23. For the 11 fully insured claims from out-of-state ground ambulance providers, by 7/14/23 we will begin partnering with the Blues plans in those states to expedite these claims, communicating the urgency of this situation and our regulator’s expectations.
3. Provide the Commissioner with a report of the reprocessing results for fully insured claims from Washington state ground ambulance providers by 8/1/23 and for the 11 fully insured claims from out-of-state ground ambulance providers, by 7/14/23 we will begin partnering with the Blues plans in those states to expedite these claims, communicating the urgency of this situation and our regulator’s expectations.

4. Implement a robust, phased communication plan to notify impacted fully insured members of our decision to address already paid claims:
  - a. Outreach to each impacted member by 6/16/23. Outreach may include phone calls, e-mails and/or letters. We will prioritize members who filed complaints about balance bills.
  - b. Send a letter to or electronically notify each impacted member when their claim is reprocessed by 8/31/23.
  - c. Issue a new explanation of benefits for reprocessed claims by 8/31/23.
5. Send a letter to each applicable out-of-network ground ambulance company informing them of their obligation to refund any overpayments directly to our members after the claims are reprocessed. If a member contacts Regence with a refund issue, we will follow-up with the out-of-network ground ambulance provider on the member's behalf. If a member incurred collections fees as a direct result of the balance billing, we will reimburse the member for those fees.
6. Update our systems to ensure that interfacility out-of-network ground ambulance transport services for fully insured plans in Washington do not apply the NSA going forward by 7/7/23.
7. Provide at least 60 days notice to the OIC for any potential changes to out-of-network fully insured ground ambulance coverage that may result in ground ambulance providers balance billing Regence members.

Should the OIC have any questions regarding this letter, please feel free to contact me.

Sincerely,



Jane Douthit  
Regence BlueShield  
Sr. Public & Regulatory Affairs Specialist