WAC 284-170-480 Participating provider—Filing and approval.

(1) An issuer must file for prior approval all participating provider agreements and facility agreements thirty calendar days prior to use. If a carrier negotiates a provider or facility contract or a compensation agreement that deviates from an approved agreement, then the issuer must file that negotiated contract or agreement with the commissioner for approval thirty days before use. The commissioner must receive the filings electronically in accordance with chapters 284-44A, 284-46A, and 284-58 WAC.

(2)(a) An issuer may file a provider or facility contract template with the commissioner. A "contract template" is a sample contract and compensation agreement form that the issuer will use to contract with multiple providers or facilities. A contract template must be issued exactly as approved.

(i) When an issuer modifies the contract template, an issuer must refile the modified contract template for approval. All changes to the contract template must be indicated through strike outs for deletions and underlines for new material. The modified template must be issued to providers and facilities upon approval.

(ii) Alternatively, issuers may file the modified contract template for prospective, contracting and a contract addendum or amendment that would be issued to currently contracted providers or facilities for prior approval. The filing must include any correspondence that will be sent to a provider or facility that explains the amendment or addendum. The correspondence must provide sufficient information to clearly inform the provider or facility what the changes to the contract will be. All changes to the contract template must be indicated through strike outs for deletions and underlines for new material.

(iii) Changes to a previously filed and approved provider compensation agreement modifying the compensation amount or terms related to compensation must be filed and are deemed approved upon filing if there are no other changes to the previously approved provider contract or compensation agreement.

(b)(i) All negotiated contracts and compensation agreements must be filed with the commissioner for approval thirty calendar days prior to use and include all contract documents between the parties.

(ii) If the only negotiated change is to the compensation amount or terms related to compensation, it must be filed and is deemed approved upon filing.

(3) If the commissioner takes no action within thirty calendar days after submission, the form is deemed approved except that the commissioner may extend the approval period an additional fifteen calendar days upon giving notice before the expiration of the initial thirty-day period. Approval may be subsequently withdrawn for cause.

(4) The issuer must maintain provider, and facility contracts at its principal place of business in the state, or the issuer must have access to all contracts and provide copies to facilitate regulatory review upon twenty days prior written notice from the commissioner.

(5) Nothing in this section relieves the issuer of the responsibility detailed in WAC 284-170-280 (3)(b) to ensure that all provider and facility contracts are current and signed if the provider or fa-
cility is listed in the network filed for approval with the commis-
ioner.

(6) If an issuer enters into a reimbursement agreement that is
tied to health outcomes, utilization of specific services, patient
volume within a specific period of time, or other performance stand-
ards, the issuer must file the reimbursement agreement with the com-
misssioner thirty days prior to the effective date of the agreement,
and identify the number of enrollees in the service area in which the
reimbursement agreement applies. Such reimbursement agreements must
not cause or be determined by the commissioner to result in discrimi-
nation against or rationing of medically necessary services for en-
rollees with a specific covered condition or disease. If the commis-
sioner fails to notify the issuer that the agreement is disapproved
within thirty days of receipt, the agreement is deemed approved. The
commissioner may subsequently withdraw such approval for cause.

(7) Provider contracts and compensation agreements must clearly
set forth the carrier provider networks and applicable compensation
agreements associated with those networks so that the provider or fa-
cility can understand their participation as an in-network provider
and the reimbursement to be paid. The format of such contracts and
agreements may include a list or other format acceptable to the com-
misssioner so that a reasonable person will understand and be able to
identify their participation and the reimbursement to be paid as a
contracted provider in each provider network.