



PREPROPOSAL STATEMENT OF INQUIRY

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

Do **NOT** use for expedited rule making

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STATE OF WASHINGTON
FILED

DATE: June 11, 2020

TIME: 1:27 PM

WSR 20-13-045

Agency: Office of the Insurance Commissioner

Subject of possible rule making: Implementation of ESHB 2642 (Chap. 345, Laws of 2020) – Removing health coverage barriers to accessing substance use disorder treatment services

Insurance Commissioner Matter R 2020-10

Statutes authorizing the agency to adopt rules on this subject: RCW 48.02.060, 48.20.460, 48.44.050, 48.46.200, Sec. 6 (Chapter 345, Laws of 2020)

Reasons why rules on this subject may be needed and what they might accomplish: ESHB 2642 establishes unique requirements related to carrier prior authorization for inpatient substance use disorder treatment services, bans balance billing by some out-of-network inpatient SUD treatment providers and directs OIC to review its regulations related to medical necessity for substance use disorder treatment. Existing OIC rules related to carrier prior authorization processes and the definition of medical necessity for behavioral health services may need to be amended to be consistent with the provisions of ESHB 2462 and new rules may need to be adopted. Such rules will facilitate implementation of the law 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 Washington state Department of Health licenses behavioral health agencies. The provisions of the law also apply to Medicaid managed care organizations and the PEBB/SEBB programs, which are administered by the Health Care Authority. OIC will be coordinating with these agencies with respect to this rulemaking, development of the action plan under section 5 of the law and adoption of a single set of criteria to determine medical necessity for substance use disorder treatment under section 6 of the law.

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

- Negotiated rule making
- Pilot rule making
- Agency study
- Other (describe) Comments due by July 1, 2020


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

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(If necessary)

Name:
 Address:
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Additional comments:

Date: June 11, 2020	Signature: 
Name: Mike Kreidler	
Title: Insurance Commissioner	