



# PREPROPOSAL STATEMENT OF INQUIRY

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

Do NOT use for expedited rule making

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FILED

DATE: August 03, 2020

TIME: 1:48 PM

WSR 20-16-131

**Agency:** Office of the Insurance Commissioner (OIC)

**Subject of possible rule making:** Accessing and receiving health care services and benefits through health plans, short term limited duration medical plans and student health plans, consistent with SHB 2338 (Chap. 228, Laws of 2020), ESHB 2642 (Chap. 345, Laws of 2020), ESHB 1879 (Chap. 171, Laws of 2019), SSB 5889 (Chap. 56, Laws of 2019) and related health care legislation enacted during the 2019 and 2020 legislative sessions.

Insurance Commissioner Matter R 2020-13

**Statutes authorizing the agency to adopt rules on this subject:** RCW 48.02.060, 48.20.460, 48.43.0128, 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:** In 2019 and 2020, the legislature enacted several new laws including SHB 2338, ESHB 2642, ESHB 1879 and SSB 5889 that relate to accessing and receiving health care services and benefits through health plans, short term limited duration medical plans and student health plans. Multiple provisions of OIC rules in chapter 284-43 WAC must be amended to be consistent with the new laws. This consolidated rulemaking proceeding is necessary to ensure that rules are adopted by OIC prior to January 1, 2021. These rules will facilitate implementation of the law by ensuring that all affected health care entities understand their rights and obligations under the new laws.

**Identify other federal and state agencies that regulate this subject and the process coordinating the rule with these agencies:** The federal HHS Centers for Medicare and Medicaid Services and the Department of Labor are the federal agencies tasked with implementation of the federal Mental Health Parity and Addiction Equity Act (MHPAEA). State insurance regulators also have authority to enforce MHPAEA, as well as to enact and implement their own mental health parity laws, as Washington state has done. These federal agencies will have an interest and an opportunity to participate in this rulemaking proceeding.

The Washington state Department of Health licenses behavioral health agencies. The provisions of ESHB 2642 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 August 17, 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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Other:

Additional comments:

**Date:** August 3, 2020

**Signature:**

**Name:** Mike Kreidler



**Title:** Insurance Commissioner