

September 29, 2023

Rules Coordinator  
Office of the Insurance Commissioner

RE: Proposed Prior Authorization Rulemaking  
*Delivered electronically*

Dear Rules Coordinator,

On behalf of the Washington State Hospital Association (WSHA) and our more than 100 hospitals and health system members, we thank you for the opportunity to offer our support for the Office of the Insurance Commissioner's (OIC) rulemaking revising the prior authorization process, R 2023-02.

We believe the provisions in the proposed rule accurately reflect the language and intent of [House Bill 1357](#). We recognize that some parts of the bill, such as the application programming interface (API) are awaiting final rules from the Centers for Medicare and Medicaid Services (CMS). We request that OIC incorporate API updates into this rule once the Centers for Medicare & Medicaid Services releases its final rules on the topic.

We request two specific changes be made to the pre-publication draft:

- Continuation of the "extenuating circumstance" provision
- Substitution of "submitted" for "posted" in the definition of electronic prior authorization request

It is unclear in the draft whether the existing extenuating circumstance provision in (13)(iii) will continue after December 31, 2024. We ask that it be continued and restated following Section (12)(d).

*(iii) If the time frames for the approval of an expedited prior authorization are insufficient for a provider or facility to receive approval prior to the preferred delivery of the service, the prior authorization should be considered an extenuating circumstance as defined in WAC 284-43-2060.*

We believe this provision is critical for situations when an extenuating circumstance prevents a participating provider or facility from obtaining a required prior authorization before a service is delivered and would like to see reference to WAC 284-43-2060 retained in the rule. The reduction in response timelines under this rulemaking may reduce the use for this provision somewhat but will not eliminate it. An example is authorization for home health services necessary for discharge. Because of time constraints, these are often approved retroactively under the extenuating circumstances provision. As a result, this provision is needed to ensure timely discharge and preserve needed inpatient capacity.

Also, we request that the word “posted” in WAC 284-43-2050(12)(e)(i) be replaced with “submitted”. We believe this more accurately reflects the prior authorization request process.

*An “electronic prior authorization request” is delivered to an electronic email address at which a party has consented to receive notices or documents or ~~posted~~ **submitted** on an electronic network or site accessible via the internet, mobile application, computer, mobile device, tablet, or any other electronic device.*

Thank you again for the opportunity to comment. If you have questions, please contact Andrew Busz, WSHA Policy Director, Finance at (206) 216-2533 or [andrewb@wsa.org](mailto:andrewb@wsa.org).



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