

September 30, 2024

Joyce Brake
Washington State Office of the Insurance Commissioner
P.O. Box 40258
Olympia, WA 98504-0260
Submitted via email to: rulescoordinator@oic.wa.gov

Re: Comments on R 2024-03 Prior Authorization Modernization and Substance Use Disorder Treatment

Dear Ms. Brake,

Kaiser Foundation Health Plan of the Northwest, Kaiser Foundation Health Plan of Washington, and Kaiser Foundation Health Plan of Washington Options, Inc. (collectively “Kaiser Permanente”), appreciate the opportunity to provide feedback to the Office of the Insurance Commissioner (“OIC”) on the prepublication draft for (R2024-03) prior authorization and substance use disorder treatment. Kaiser Permanente is an integrated health care system that covers and cares for Washingtonians. We are committed to delivering affordable, coordinated, and high-quality care and coverage that supports not only our members but also the communities we serve.

General approach to cross-references is helpful.

Thank you for taking the approach in this draft to include the statutory citations for a requirement rather than repeating content in the actual regulation. We also appreciate the inclusion of cross references in the regulation that point to the other relevant prior authorization requirements. For example, the new sentence in WAC 284-43-2020 (1) provides a helpful cross reference.

Definitions in WAC 284-43-2020 (1) add clarity.

We’d also like to thank you for adding a definition of “non-electronic prior authorization request” in WAC 284-43-2020 (10)(a)(ii) to clarify the methods of communication that are not considered an “electronic prior authorization request”. This clarification will help carriers understand when the various decision-making time periods apply and ensure a consistent experience for people making prior authorization requests.

Timeframes for providing missing information need further clarification

RCW 48.43.830 (1)(c) permits a carrier to establish a specific reasonable time frame for submission of the additional information. The current wording in the prepublication draft does not include the concept that a carrier may establish the specific time period for submission of the additional information. Rather, the language seems to apply the two-day time period in WAC 284-43-2050(11)(b)(ii)(A) to all electronic requests (whether or not they are expedited) and to non-electronic expedited requests. The draft language applies the time periods in WAC 284-43-2050(11)(a)(ii)(A) to non-electronic standard requests.

The current prepublication draft language has a disconnect with RCW 48.43.830 (1)(c), and it would be helpful to have clarification in the regulation on this point.

We thank you for the opportunity to provide comments on this prepublication draft. We look forward to our continued collaboration throughout this rulemaking process. Please do not hesitate to contact us with questions.

Sincerely,

A handwritten signature in black ink that reads "Merlene Converse". The script is cursive and fluid.

Merlene Converse

Senior Regulatory Consultant

Kaiser Foundation Health Plan of the Northwest

Government Relations

500 NE Multnomah Street, Suite 100

Portland, OR 97232

(503) 936-3580 (cell)

Merlene.S.Converse@kp.org