



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: July 19, 2023

TIME: 8:16 AM

WSR 23-15-108

Agency: Office of the Insurance Commissioner

Subject of possible rule making: Prior Authorization – Implementation of E2SHB 1357 (2023)

Insurance Commissioner Matter R 2023-02

Statutes authorizing the agency to adopt rules on this subject: RCW 48.02.060, 48.43.0161, 48.43.515, and 48.43.520.

Reasons why rules on this subject may be needed and what they might accomplish: In 2023, the legislature enacted E2SHB 1357 (Chapter 382, Laws of 2023). Multiple provisions of OIC rules in chapters 284-43 and 284-170 WAC need amendments to be consistent with the new law, which relates to prior authorization requirements, including time frames for decisions, electronic authorization standards, communication and reporting. This proposed rulemaking will ensure that necessary rules are adopted by the OIC in a timely manner. These proposed rules will facilitate implementation of the law by ensuring that all affected health care 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 OIC is promulgating administrative regulations related to the commercial plans that it regulates. However, the state Department of Health (DOH) and Health Care Authority (HCA) are also affected by this new legislation for prior authorizations. Therefore, the OIC will coordinate on this rulemaking with the state DOH and HCA by offering notices and opportunities for written comment or feedback with multiple participation forums.

This legislation also requires coordination in relation to proposed rules by the federal Centers for Medicare and Medicaid, so the OIC will continue to regularly monitor the status of those rules.

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

- ☐ Negotiated rule making
- ☐ Pilot rule making
- ☐ Agency study
- ☒ Other (describe) Submit comments by: August 7, 2023


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:
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Additional comments:

Date: July 19, 2023	Signature: 
Name: Mike Kreidler	
Title: Insurance Commissioner	