



# PREPROPOSAL STATEMENT OF INQUIRY

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

Do **NOT** use for expedited rule making

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**DATE: July 22, 2025**

**TIME: 2:26 PM**

**WSR 25-15-143**

**Agency:** Office of the Insurance Commissioner

Insurance Commissioner Matter R 2025-11

**Subject of possible rule making:** Health care benefit managers, including but not limited to implementation of E2SSB 5213 (Chapter 242, Laws of 2024)

**Statutes authorizing the agency to adopt rules on this subject:** RCW 48.200.900; RCW 48.02.060

**Reasons why rules on this subject may be needed and what they might accomplish:** Engrossed Second Substitute Senate Bill (E2SSB) 5213 (Chapter 242, Laws of 2024) was signed into law on March 25, 2024. E2SSB 5213 amends state law (chapter 48.200 RCW) concerning the business practices of health care benefit managers (HCBMs) and pharmacy benefit managers (PBMs, which are a type of HCBM). The law's provisions address, among other issues, PBM reimbursement to pharmacies for dispensing prescription drugs; consumer access to mail order and retail pharmacies; consumer out-of-pocket costs for prescription drugs; HCBM registration and reporting; and oversight authority of the Office of the Insurance Commissioner (OIC) regarding HCBM registration and operations. Sections 1,2,3,4,6,10 and 11 of E2SSB 5213 took effect June 6, 2024. Sections 5, 7,8, and 9 will take effect January 1, 2026.

On December 18, 2024, the Commissioner adopted a rule (R 2024-02, WSR 25-02-024) implementing E2SSB 5213 and updating then-existing HCBM regulations. This rule amended chapter 284-180 Washington Administrative Code (WAC) and was effective January 18, 2025. To reflect E2SSB 5213's multiple effective dates, this rule amended certain WAC sections such that they expire December 31, 2025, and added new WAC sections that go into effect January 1, 2026.

Rulemaking regarding HCBMs may be necessary to further implement the provisions of E2SSB 5213 that go into effect on January 1, 2026 and ensure that affected entities understand their rights and obligations under these new provisions. In addition, rulemaking to update other HCBM regulations may be necessary to ensure OIC can effectively oversee HCBMs. OIC may revise Chapter 284-180 WAC to accomplish these goals.

**Identify other federal and state agencies that regulate this subject and the process coordinating the rule with these agencies:** OIC is considering promulgating regulations that apply to the commercial health plans, and the HCBMs providing services to those plans that OIC regulates.

Self-funded group health plans, which the U.S. Department of Labor regulates under the Employee Retirement Income Security Act of 1974 (29 U.S.C. Sec. 1001 et. seq.), may elect to participate in sections 5,7, and 8 of E2SSB 5213, under Section 9(2) of E2SSB 5213. This option is effective January 1, 2026.

Additionally, Chapter 48.200 RCW regulates HCBM contracts under plans offered through the Public Employees Benefits Board (PEBB) and the School Employees Benefits Board (SEBB). The Washington State Health Care Authority (HCA) administers the PEBB and SEBB programs. OIC will provide an opportunity for HCA to participate in this rulemaking.

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

- ☐ Negotiated rule making  
☐ Pilot rule making  
☐ Agency study  
☒ Other (describe) Please submit comments by August 22, 2025.

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

|   |                |
|---|----------------|
|   | (If necessary) |
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Additional comments:

**Date:** July 22, 2025**Name:** Patty Kuderer**Title:** Insurance Commissioner**Signature:**