

OIC Rules Coordinator

From: Joel Southwell <drjoelsouthwell@gmail.com>
Sent: Thursday, August 7, 2025 10:14 PM
To: OIC Rules Coordinator
Subject: R2025-05 First Prepublication draft comment

External Email

Dear Insurance Commissioner,

It saddens me that this is an email that I must write, but it appears this is where we are at.

I am writing to express strong concerns regarding the use of the FAIR Health Database by auto insurers to arbitrarily reduce personal injury (PI) claims, particularly in light of the newly proposed rulemaking.

Currently, auto insurers are relying on FAIR Health data as a tool to undercut medically necessary treatment — not as a guide for fair reimbursement. The way this data is being used lacks transparency, and neither providers nor patients are given adequate explanation or justification for why certain treatment charges are denied or reduced. This is especially concerning because:

- Patients and providers are being left with the financial burden when insurance fails to cover what's medically necessary.
- There is no transparency in how FAIR Health data is applied to individual claims. We don't know which benchmarks are being used or how they're being interpreted by insurers.
- Healthcare treatment is not one-size-fits-all. The use of FAIR Health as a pricing "cookbook" undermines individualized, patient-centered care. It replaces clinical judgment with arbitrary cost containment.
- Providers' bills are being cut without clinical justification, often reduced to a set percentage (e.g., 80%), despite being reasonable, necessary, and directly tied to the patient's injuries.
- Patients pay premiums with the expectation that medically necessary care will be covered. Arbitrarily reducing reimbursement violates the fundamental promise of insurance — to be there when it's needed most.

Over time, this not only threatens the financial viability of treating PI cases, but it also leads to increased overall healthcare costs as injuries go under-treated or unresolved.

I respectfully urge your office to:

- Require full transparency in how FAIR Health data is used by insurers.
- Prohibit the arbitrary reduction of provider charges without clear, clinically-supported reasoning.
- Recognize that standardized pricing models cannot substitute for individualized medical care.
- Ensure that insurers are held accountable to the coverage expectations of the insured public.

Our patients deserve better. As a healthcare provider, I am committed to delivering quality care. I hope you will ensure the insurance industry upholds its end of that responsibility as well.

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In health,

Joel Southwell DC, MS

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