

September 17, 2025

Rules Coordinator
Office of the Insurance Commissioner
302 Sid Snyder Ave.
Olympia, WA 98501

Via email:

RE: Mental Health Parity Rule Making (R 2025-13) CR-101

To Whom It May Concern,

Premera Blue Cross and LifeWise Health Plan of Washington (collectively “Premera”) value our partnership with the Washington Office of Insurance Commissioner (OIC) and appreciate the opportunity to provide feedback on the Mental Health Parity Rule Making CR-101 issued August 19, 2025. Mental Health Parity is an incredibly important and complex topic. We believe rulemaking provides a unique opportunity to provide all parties with some much needed clarity. Premera has included several recommendations below which we hope will be thoughtfully considered and addressed during the rule drafting.

Mental Health Parity is an extremely nuanced issue which lacks clear and concise compliance guidance at either the federal or state level. In order to ensure that all carriers understand the expectations of the OIC in terms of what ‘compliance’ looks like and are able to accurately implement the provisions of Washington’s updated Mental Health Parity Law, the associated rule making should include clear and concise compliance guidance for carriers to follow. Specifically, Premera requests the rule making provide clear guidance on the following topics:

- Description of what constitutes a sufficient Non-Quantitative Treatment Limitation (NQTL) comparative analysis, including the level of detail expected by the OIC for each required element.
- Specific metrics and/or calculations carriers should complete as part of their annual comparative analysis (in-operations outcomes data).
- Description of an acceptable analysis when in-operations outcomes data shows a discrepancy between medical / surgical (M/S) and mental health / substance use disorder benefits (MH/SUD).
- Acknowledgement that the Mental Health Parity law does not require that outcomes data results be the same between M/S and MH/SUD, but rather the factors, processes, and evidentiary standards used to design and apply the NQTL to MH/SUD

services be no more stringent than those used for M/S services; discrepancies in outcomes data are a red flag that requires additional analysis.

- Identification of a common threshold that carriers should use when determining whether or not additional analysis/explanation of outcomes data is required (e.g.: a difference of greater than x% between M/S and MH/SUD requires detailed analysis/explanation. A difference less than x% is considered within expected range, etc.)

While Premera acknowledges that this level of detail is not typically included in rule making, we strongly believe that all carriers need clear, concise, and specific guidance on how to implement Washington's updated Mental Health Parity law.

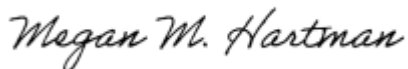
Having clear compliance guidance is even more essential now that the federal government has issued a non-enforcement policy for the 2024 Federal rule and, as a result, is unlikely to release sub-regulatory guidance as originally expected. This guidance is foundational to ensuring a consistent implementation among carriers.

Additionally, Premera requests that the OIC provide additional clarity on the "meaningful benefits" provision. This provision which is included in the 2024 Federal rule is ambiguous and requires additional clarification.

Finally, given the paramount importance of the updated Washington Mental Health Parity law, Premera requests that the OIC engage in extensive stakeholder discussions and public comment meetings throughout the rulemaking process. Premera believes that it is important for all stakeholders to have the opportunity to engage in constructive dialogue as we all work together to ensure access to mental health services for all Washingtonians.

Again, Premera appreciates the opportunity to provide comments on the CR-101. We look forward to continuing the discussion as we all work to make healthcare, including mental health care, work better for Washingtonians.

Sincerely,



Megan M. Hartman
Manager, Regulatory & Compliance
Premera Blue Cross