

ATTN: Rules Coordinator
Washington State Office of the Insurance Commissioner
P.O. Box 40258
Olympia, WA 98504

December 11, 2025

To Whom It May Concern:

Premera Blue Cross ("Premera") appreciates the opportunity to comment on the Office of the Insurance Commissioner's (OIC) CR-102 implementing SB 5213 (R2025-11), filed November 5, 2025.

WAC 284-180-130 — Definitions

Contract Price

To ensure clarity and administrative consistency, Premera recommends that the definition of "contract price" expressly exclude other fees commonly billed by pharmacies, such as drug or vaccine administration fees.

Suggested wording:

"Contract Price" means the price a pharmacy benefit manager charges a carrier, insurer, third-party payor, or prescription drug purchasing consortium for a drug, pursuant to a contract between the pharmacy benefit manager and the carrier, insurer, third-party payor, or prescription drug consortium. "Contract price" does not include a pharmacy's dispensing fee or other fees, such as drug or vaccine administration fees.

Other Conditions

Pharmacy utilization management requirements are addressed elsewhere in statute. Listing examples inside this definition is duplicative and risks confusion as programs evolve. As such, we recommend removing specific examples within the definition.

Suggested wording:

As used in RCW 48.200.310, "other conditions" means conditions a pharmacy benefit manager applies to a covered person that directly affect the covered person's access to and convenience of receiving a covered prescription drug.

WAC 284-180-501 — Pharmacy Reimbursement

We respectfully request striking the last sentence in its entirety. Including post-sale or post-invoice adjustments would prohibit normal reconciliations tied to value-based contracts, audits, and fraud, waste, and abuse findings—activities that protect enrollees and the integrity of programs.

Suggested wording:

A pharmacy benefit manager may not reimburse a network pharmacy an amount less than the contract price between the pharmacy benefit manager and the carrier, insurer, third-party payor, or prescription drug purchasing consortium the pharmacy benefit manager has contracted with for a drug.

WAC 284-180-550 — Enrollee Rights and PBM Obligations (Mail-Order and Retail)Definition of "new prescription"

As drafted, "new prescription" is overly broad. We recommend a concise definition that excludes refills or continuations by the same PBM.

Suggested wording:

The term "New prescriptions" excludes refills or continuations of existing prescriptions filled by the same Pharmacy Benefit Manager.

Affirmative authorization for mail-order prescriptions

While Premera understands the intent of the new provisions related to affirmative authorization for mail-order prescriptions, requiring a separate, formal affirmative authorization will introduce friction and delays for consumers who rely on mail order—especially seniors, individuals with disabilities, and residents of rural communities.

Existing processes already provide meaningful authorization: members actively select a pharmacy (e.g., during new-patient intake or when a script is written) and complete payment/billing steps before scripts are filled. We strongly encourage the OIC to adopt a more member-friendly approach, such as providing required disclosures at enrollment, which will preserve timely access to prescription drugs for consumers.

Phone availability requirements for mail-order pharmacists.

All Washington-licensed pharmacies (resident and non-resident) are subject to Washington Department of Health regulations. Adding PBM-specific phone availability requirements in

this chapter is duplicative and risks conflict with existing regulations. We recommend removing these provisions.

Premera appreciates the OIC's thoughtful work on SB 5213 implementation and welcomes continued collaboration to finalize rules that safeguard access, ensure operational feasibility, and maintain strong consumer protections. Please contact me with any questions.

Sincerely,

Megan M. Hartman

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Premera Blue Cross