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Rules Coordinator
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Washington Office of the Insurance Commissioner
Submitted via email: rulescoordinator@oic.wa.gov

Comments on: R-2025-11 – Health Care Benefit Managers – Proposed Rule (WAC 284-180)

Good afternoon,

I am writing on behalf of Willamette Dental of Washington, Inc (WDWA), which is a limited health care services contractor in the State of Washington that underwrites, administers, and sells stand-alone dental plans for large groups, small groups and individuals. Willamette Dental Group, P.C. (WDGPC) is a multi-specialty group dental practice that is the exclusive provider network for WDWA dental plans. WDWA pays WDGPC on a capitated per member basis for providing all dental services under dental plans issued by WDWA. Enrollees of WDWA plans are only permitted to go to Willamette Dental Group, P.C. clinics for covered services.

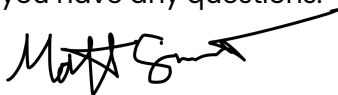
WDGPC consists of employed providers and provides comprehensive services under a global budget consisting of the capitation paid by WDWA. WDWA is responsible for all insurance carrier requirements including member complaints and benefit determinations. WDWA and WDGPC are commonly owned and controlled company affiliates. Willamette Dental Management Company (WDMC), a commonly owned and controlled affiliate of WDWA and WDGPC, provides various business services to WDWA under a business services agreement. WDWA does not have employees and the business services agreement with WDMC is more akin to a staffing agreement to permit WDWA to complete its general insurance administration and member complaints and appeals. WDMC does not provide services to any external third parties.

When the HCBM law passed in 2020, it was our understanding that WDMC was not required to register as HCBMs (and WDWA was not required to file its contracts with WDMC under RCW 48.43.731) because (a) WDWA, WDGPC, and WDMC were all members of the same holding system and fully integrated model. We recently became aware that, effective January 18, 2025, OIC amended WAC 284-180-210 to read that: "An entity that is owned or controlled by a holding company that owns or controls a carrier is not exempt from registration as a health care benefit manager." It is our understanding that OIC believes this new amendment would apply to WDMC. However, that was not the intent of the HCBM law in 2022.

We are asking that OIC clarify the definition in WAC 284-180-120(3) with regard to the list of entities that the chapter does not apply to. We would like WAC 284-180-120 to be amended with the new language in "green" so that it reads as follows:

- (3) This chapter does not apply ~~to the actions~~ of health care benefit managers providing services exclusively to, or acting exclusively on behalf of:
- (a) Self-funded group health plans, other than an employee benefit program as defined in RCW 48.200.020 or with respect to compliance with RCW 48.200.280, 48.200.310, and 48.200.320, a self-funded group health plan that has elected to participate under RCW 48.200.330;
 - (b) Medicare supplement plans;
 - (c) Medicare advantage plans;
 - (d) Medicare Part D prescription drug plans
 - (e) Medicaid, except that pharmacy benefit managers that contract with pharmacies on behalf of Medicaid managed care plans are subject to RCW 48.200;
 - (f) Children’s Health Insurance Program plans;
 - (g) Discount plans;
 - (h) Union plans, other than a union plan that is a self- funded group health plan that has elected to participate under RCW 48.43.330 with respect to compliance with RCW 48.200.280, 48.200.310, and 48.200.320; ~~and~~
 - (i) Plans that provide monetary payment, such as income replacement disability plans or life insurance accelerated benefits, unless these plans provide coverage for health care services, drugs, or supplies.; and
 - (j) Health care services contractors, as defined in RCW 48.44.010, where the health care benefit manager is itself a provider, group of providers, or an Affiliate of the health care services contractor that is exclusively contracted with such health care services contractor for services defined in RCW 48.200.020(5)(a).

Thank you for the opportunity to provide comments on this proposed rule. Please reach out to me if you have any questions.



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