



October 14, 2016

The Honorable Mike Kreidler
Washington State Office of the Insurance Commissioner
P.O. Box 40255
Olympia, WA 98504-0255

Re: Comments on Proposed Rule 2016-19, Prior Authorization Process and Transparency

Commissioner Kreidler:

On behalf of the American Cancer Society Cancer Action Network (ACS CAN) thank you for the opportunity to comment on the stakeholder draft, released September 23, 2016, regarding prior authorization process and transparency (2016-19). ACS CAN, the nonprofit, nonpartisan advocacy affiliate of the American Cancer Society (ACS), supports evidence-based policy and legislative solutions designed to eliminate cancer as a major health problem. As the nation's leading advocate for public policies that are helping to defeat cancer, ACS CAN ensures that cancer patients, survivors, and their families have a voice in public policy matters at all levels of government.

ACS CAN supports the department's efforts to streamline the prior authorization process so that it is a more timely and transparent process for patients and their family members. We would however, like to request clarification and express concern related to the proposed timeframes in which prior authorizations must be approved or denied.

WAC 284-43-0160 (New Definitions)

"Expedited prior authorization request" means any request for approval of a health care service where the passage of time could seriously jeopardize the life or health of the enrollee, seriously jeopardize the enrollee's ability to regain maximum function, or, in the opinion of a provider with knowledge of the enrollee's medical condition, would subject the enrollee to severe pain that cannot be adequately managed without the care or treatment that is the subject of the request.

"Immediate prior authorization request" means any request for approval of treatment health care service where the passage of time without treatment would, in the judgement of the provider, result in an imminent emergency room visit or hospital admission, and deterioration of the enrollee's health status. Immediate prior authorization requests includes "urgent prior authorization requests."

ACS CAN would like to request clarification on the types of services or patient circumstances that would allow a prior authorization request to fall under the definition of an "expedited or immediate" prior authorization request, and thus receive a decision within the designated timeframe for each. When patients are in active treatment for a serious illness like cancer, prior authorization requests affiliated with that treatment should be defined as expedited or, when appropriate, immediate, placing those requests in the 48-hours or 60-minute response timeframe. Each of these timeframes fall within ACS CAN's acceptable standards for prior authorization review. We request that the final rule be amended to clarify that prior authorization requests will fall under the definition of expedited or immediate prior authorization requests for cancer patients in active treatment.

**Subchapter D – Utilization Review and Prior Authorization
WAC 284-43-2050 Prior authorization processes (New section)**

9) *The time frames for carrier or their designated or contracted representative prior authorization determination and notification are as follows:*

(b) For standard prior authorization requests: (i) If sufficient information has been provided to the carrier or their designated or contracted representative to make a decision, the carrier or their designated or



contracted representative has 5 calendar days once the information has been received to make a determination and provide notification.

(ii) If insufficient information has been provided to the carrier or their designated or contracted representative to make a decision, the carrier or their designated or contracted representative has 5 calendar days to request additional information from the provider.

ACS CAN strongly urges the department to change the turnaround time for standard prior authorization request responses from 5 days to no more than 72 hours. Delays in cancer treatment can have a negative impact on that patient's health outcome. The five-day timeframe for prior authorization responses may cause such delays in a person's cancer treatment. Further, in the event that a carrier would need more documentation to support the request, an additional 5 days could be added to the timeframe, extending the waiting period to 10 days.

We understand the timeframes are unlikely to change. As such, ACS CAN feels it is particularly important that the department add language to final rule to clarify that prior authorization requests for patients undergoing treatment for a serious illness, should automatically be considered an "immediate or expedited" request.

Conclusion

On behalf of the American Cancer Society Cancer Action Network, we thank you for the opportunity to comment on Proposed Rule 2016-19, Prior Authorization Process and Transparency. If you have any questions, please feel free to contact me at mary.mchale@cancer.org or 206.674.4187.

Sincerely,

Mary McHale
WA Government Relations Director
American Cancer Society Cancer Action Network