OFFICE of the
INSURANCE
COMMISSIONER
WASHINGTON STATE

OFFICE OF THE CODE REVISER
STATE OF WASHINGTON
FILED

DATE: January 19, 2024
TIME: 3:11 AM

WSR 24-03-110

Office of the Insurance Commissioner Semi-Annual Rule Development Agenda January 2024

This list is current as of January 15, 2024. There may be additional rulemaking activity not included on this agenda and all information referenced is subject to change.

For general information on OIC's rulemaking, please visit:
 https://www.insurance.wa.gov/legislation-and-rulemaking

For the most up-to-date information on proposed rules, please visit:
https://www.insurance.wa.gov/proposed-rules

To sign up for email or text alerts from the Insurance Commissioner about rule changes, legislation, industry information and consumer news, please visit:
https://public.govdelivery.com/accounts/WAOIC/subscriber/new

For questions, please contact OIC Policy & Rules Manager, Joyce Brake: rulescoordinator@oic.wa.gov or 360-725-7041.

The Commissioner has initiated rulemaking on the following rules:

Summary	Statutory Authority	Potentially Impacted WACs	Current Status
Revising the prior authorization process (Insurance Commissioner Matter R 2023-02)	RCW 48.02.060, 48.43.0161, 48.43.515, and 48.43.520	Amendments to chapter 284-43 WAC	CR 101 filed 7/19/23 WSR 23-15-108

The Commissioner previously released a rulemaking agenda on the following topics, which include an updated status:

Name of proposed rule	Summary	Status
Continuity of coverage for prescription drugs	Substitute Senate Bill 5300 (2023) prohibits health carriers and their health care benefit managers from requiring substitution of a prescribed nonpreferred drug with a preferred drug or increasing an enrollee's cost sharing obligation when the prescription is for a refill of an antipsychotic, antidepressant, or antiepileptic drug, or any other drug prescribed to treat a serious mental illness. Proposed rulemaking intends to address inconsistencies between the new law and current rules, including addressing the prescription drug process (WAC 284-43-2021), formulary policies and prescription drug cost sharing (WAC 284-43-5060 through 284-43-5110), and the definition of "serious mental illness" (WAC 284-43-0160).	Pre-CR-101. No rulemaking has been initiated, but a CR-101 is expected in Spring 2024.

Other Possible Rule-Makings Topics

In addition to the rules referenced above, the Commissioner continues his effort to update and clarify code, as well as implement recent legislation. A potential list of subjects that may be considered for future rulemaking include or may include:

Adjuster issues
Annuity marketing and disclosure requirements
Balance billing
Barriers to patient care access resulting from contracting practices
Breast cancer health issues
Coordination of benefits
Data security and cybersecurity
Dental insurance practices
Discontinuation and renewal of health plan coverage
Discrimination in health care plan design
Electronic filing of state specific reporting
Electronic notices and document delivery of insurance products
Essential health benefits
Fixing outdated references
Health care coverage
Health care benefit managers
Holding company regulations
Implementation of state or federal legislation or reform
Licensing requirements
Life and Disability issues
Guaranty funds
Long-term care insurance
Market stabilization
Medical parity
Minimum valuation standards
NAIC model act and regulation implementation
Network access
Pharmacy formulary tiers
Pharmacy exceptions, substitutions and appeals process
Pharmacy Benefit Managers
Pediatric Dental
Prelicensing insurance education
Producer issues, including commissioner and education requirements
Property and Casualty issues
Ride-sharing insurance coverage

Summary of health insurance benefits coverage
Telemedicine
Rating variables
Reproductive health issues

In addition to the above-mentioned topics, any person may petition the Office of the Insurance Commissioner under RCW 34.05.330 requesting the adoption, amendment, or repeal of any rule.

Insurance Commissioner Mike Kreidler

Signed: January 15, 2024