



OFFICE OF
INSURANCE COMMISSIONER

EMERGENCY ORDER NO. 20-01

TO: ALL HEALTH CARRIERS AUTHORIZED OR ADMITTED TO OFFER HEALTH PLANS OR SHORT TERM LIMITED DURATION MEDICAL PLANS IN WASHINGTON STATE THAT ARE REGULATED BY THE INSURANCE COMMISSIONER.

FROM: MIKE KREIDLER, INSURANCE COMMISSIONER

RE: RESPONSE TO CORONAVIRUS DISEASE 2019 (COVID-19) OUTBREAK IN WASHINGTON STATE

The outbreak of coronavirus disease 2019 (COVID-19) in Washington state requires swift and coordinated action across the public and private sectors to minimize human suffering. The Office of the Insurance Commissioner, our partner state agencies, local health jurisdictions, health carriers, and health care providers and facilities are committed to the health and welfare of the people of Washington. Each has a role to play in this coordinated effort. The Office of the Insurance Commissioner is working closely with the Governor and the state Department of Health to support and assist in their efforts to address the challenges associated with COVID-19 outbreak in Washington state, using the best science and best practices available.

On February 29, 2020, Governor Inslee issued Proclamation # 20-05 proclaiming a state of emergency in all counties in Washington state due the outbreak of COVID-19 in the United States and in Washington state.

ORDER

PURSUANT TO the Governor's Proclamation and RCW 48.02.060(4), the Insurance Commissioner of the state of Washington ("Insurance Commissioner") orders all health carriers, as defined in RCW 48.43.005(28), authorized or admitted to offer health plans, as defined in RCW 48.43.005(29) or short-term limited duration medical plans in Washington state, during the period of March 5, 2020 through May 4, 2020, as follows:

- A. Cover, prior to application of any deductible and with no cost-sharing, the health care provider visit and FDA-authorized coronavirus disease 2019 (COVID-19) testing for enrollees who meet the CDC criteria for testing, as determined by the enrollee's health care provider.
- B. Allow enrollees to obtain a one-time refill of their covered prescription medications prior to the expiration of the waiting period between refills so that enrollees can maintain an

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adequate supply of necessary medication. Carriers may take into consideration patient safety risks associated with early refills for certain drug classes, such as opioids, benzodiazepines and stimulants.

- C. Suspend any prior authorization requirements that apply to covered diagnostic testing and treatment of coronavirus disease 2019 (COVID-19).
- D. Ensure compliance with WAC 284-170-200(5), which requires that if a carrier has an insufficient number or type of providers in their network to provide testing and treatment of coronavirus disease 2019 (COVID-19), the carrier must ensure that the enrollee obtains the covered service from a provider or facility within reasonable proximity of the enrollee at no greater cost than if the provider were in-network.

NOW, THEREFORE, the Insurance Commissioner hereby activates the provisions of RCW 48.02.060(4)(b) and (d) in order to protect the safety and welfare of persons affected by the impacts of coronavirus disease 2019 (COVID-19) in the State of Washington, as set forth above. The geographical extent of this Emergency Order is the entire state of Washington.

This Order shall remain in effect until May 4, 2020, subject to the further order of the Insurance Commissioner extending its effect.

BASIS

1. The geographical extent of this state of emergency is the entire state of Washington.
2. RCW 48.02.060(4)(d) provides that, when the Governor proclaims a state of emergency under RCW 43.06.010(12), the Insurance Commissioner may issue an order that addresses any or all of the following matters related to insurance policies issued in this state: (d) medical coverage to ensure access to care.
3. The coronavirus disease 2019 (COVID-19) outbreak has harmed or threatened to harm the property, safety and welfare of Washington residents who have been rendered ill or whose lives or employment have been otherwise disrupted by the outbreak.
4. RCW 48.02.060(5) provides that an order by the Insurance Commissioner under subsection (4) of this section may remain effective for not more than sixty (60) days unless the Insurance Commissioner extends the termination date for the order for an additional period of not more than thirty (30) days. The Insurance Commissioner may extend the order if, in the Insurance Commissioner's judgment, the circumstances warrant an extension. An order of the Insurance Commissioner under subsection (4) of this section is not effective after the related state of emergency is terminated by proclamation of the governor under

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RCW 43.06.210. The order must specify, by line of insurance: (a) the geographic areas in which the order applies, which must be within but may be less extensive than the geographic area specified in the governor's proclamation of a state of emergency and must be specific according to an appropriate means of delineation, such as the United States postal service zip codes or other appropriate means; and (b) The date on which the order becomes effective and the date on which the order terminates.

5. Emergency action by the Insurance Commissioner is necessary to protect the safety and welfare of persons affected by the impacts of coronavirus disease 2019 (COVID-19) in the State of Washington.

THIS ORDER IS EFFECTIVE IMMEDIATELY AND IS ENTERED at Olympia, Washington, this 5th day of March, 2020.



MIKE KREIDLER
Insurance Commissioner