PROPOSED RULE MAKING

CR-102 (December 2017)
(Implements RCW 34.05.320)
Do NOT use for expedited rule making

<table>
<thead>
<tr>
<th>Date:</th>
<th>Time:</th>
<th>Location: (be specific)</th>
<th>Comment:</th>
</tr>
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<tbody>
<tr>
<td>August 24, 2021</td>
<td>10:00 AM</td>
<td>The Health Care Authority (HCA) remains closed in response to the coronavirus disease (COVID-19) public health emergency. Until further notice, HCA continues to hold public hearings virtually without a physical meeting place. This promotes social distancing and the safety of the residents of Washington State</td>
<td>To attend the virtual public hearing, you must register in advance: <a href="https://zoom.us/webinar/register/WN_BNCWCw0FQSOhcaAMJzTrTw">https://zoom.us/webinar/register/WN_BNCWCw0FQSOhcaAMJzTrTw</a> After registering, you will receive a confirmation email containing information about joining the public hearing.</td>
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Date of intended adoption: Not sooner than August 25, 2021 (Note: This is NOT the effective date)

Submit written comments to:
Name: HCA Rules Coordinator
Address: PO Box 42716, Olympia WA 98504-2716
Email: arc@hca.wa.gov
Fax: (360) 586-9727
Other:
By (date) August 24, 2021

Assistance for persons with disabilities:
Contact Amber Lougheed
Phone: (360) 725-1349
Fax: (360) 586-9727
TTY: Telecommunication Relay Services (TRS): 711
Email: amber.lougheed@hca.wa.gov
Other:
By (date) August 6, 2021
Purpose of the proposal and its anticipated effects, including any changes in existing rules: HCA is amending WAC 182-70-040, Registration requirements, to set the Washington covered person threshold at 1000 covered persons for data suppliers in the APCD program. HCA also added the required procedure for determining if the data supplier meets this threshold.

Reasons supporting proposal: See Purpose.

Statutory authority for adoption: RCW 41.05.021, 41.05.160, and 43.371.070

Statute being implemented: RCW 41.05.021, 41.05.160, and 43.371.070

Is rule necessary because of a:
- Federal Law? ☐ Yes ☒ No
- Federal Court Decision? ☐ Yes ☒ No
- State Court Decision? ☐ Yes ☒ No
If yes, CITATION:

Agency comments or recommendations, if any, as to statutory language, implementation, enforcement, and fiscal matters: N/A

Name of proponent: (person or organization) Health Care Authority ☒ Governmental

Name of agency personnel responsible for:

<table>
<thead>
<tr>
<th>Name</th>
<th>Office Location</th>
<th>Phone</th>
</tr>
</thead>
<tbody>
<tr>
<td>Drafting:</td>
<td>Jason Crabbe</td>
<td>PO Box 42716, Olympia WA 98504-2716</td>
</tr>
<tr>
<td>Implementation: Lorie Geryk</td>
<td>PO Box 45530, Olympia, WA 98504-5530</td>
<td>360-725-1598</td>
</tr>
<tr>
<td>Enforcement:</td>
<td>Lorie Geryk</td>
<td>PO Box 45530, Olympia, WA 98504-5530</td>
</tr>
</tbody>
</table>

Is a school district fiscal impact statement required under RCW 28A.305.135? ☒ Yes ☐ No
If yes, insert statement here:

The public may obtain a copy of the school district fiscal impact statement by contacting:
  Name: 
  Address: 
  Phone: 
  Fax: 
  TTY: 
  Email: 
  Other: 

Is a cost-benefit analysis required under RCW 34.05.328?
☐ Yes: A preliminary cost-benefit analysis may be obtained by contacting:
  Name: 
  Address: 
  Phone: 
  Fax:
RCW 34.05.328 does not apply to Health Care Authority rules unless requested by the Joint Administrative Rules Review Committee or applied voluntarily.

Regulatory Fairness Act Cost Considerations for a Small Business Economic Impact Statement:

This rule proposal, or portions of the proposal, may be exempt from requirements of the Regulatory Fairness Act (see chapter 19.85 RCW). Please check the box for any applicable exemption(s):

☐ This rule proposal, or portions of the proposal, is exempt under RCW 19.85.061 because this rule making is being adopted solely to conform and/or comply with federal statute or regulations. Please cite the specific federal statute or regulation this rule is being adopted to conform or comply with, and describe the consequences to the state if the rule is not adopted.

☐ This rule proposal, or portions of the proposal, is exempt under RCW 19.85.061 because the agency has completed the pilot rule process defined by RCW 34.05.313 before filing the notice of this proposed rule.

☐ This rule proposal, or portions of the proposal, is exempt under the provisions of RCW 15.65.570(2) because it was adopted by a referendum.

☐ This rule proposal, or portions of the proposal, is exempt under RCW 19.85.025(3). Check all that apply:

☐ RCW 34.05.310 (4)(b)  ☐ RCW 34.05.310 (4)(e)
  (Internal government operations)  (Dictated by statute)
☐ RCW 34.05.310 (4)(c)  ☐ RCW 34.05.310 (4)(f)
  (Incorporation by reference)  (Set or adjust fees)
☐ RCW 34.05.310 (4)(d)  ☐ RCW 34.05.310 (4)(g)
  (Correct or clarify language)  (i) Relating to agency hearings; or (ii) process requirements for applying to an agency for a license or permit)

☐ This rule proposal, or portions of the proposal, is exempt under RCW _____.

Explaination of exemptions, if necessary:

COMPLETE THIS SECTION ONLY IF NO EXEMPTION APPLIES

If the proposed rule is not exempt, does it impose more-than-minor costs (as defined by RCW 19.85.020(2)) on businesses?

☐ No  Briefly summarize the agency's analysis showing how costs were calculated. The proposed rule does not impose more-than-minor costs on businesses.

☐ Yes  Calculations show the rule proposal likely imposes more-than-minor cost to businesses, and a small business economic impact statement is required. Insert statement here:

The public may obtain a copy of the small business economic impact statement or the detailed cost calculations by contacting:

Name:
Address:
Phone:
Fax:
TTY:
Email:
Other:

Date: July 20, 2021
Name: Wendy Barcus
Title: HCA Rules Coordinator

Signature:
WAC 182-70-040 Registration requirements. (1) Washington covered persons threshold for data suppliers. Any carrier, third-party administrator, public program, or other potential data supplier identified in RCW 43.371.030 with 1000 or more Washington covered persons, as defined in WAC 182-70-030, as of December 31st of the previous calendar year must submit data in accordance with this chapter.

(a) For the purposes of determining whether a potential data supplier is subject to the requirements of this chapter, potential data suppliers must aggregate the number of Washington covered persons for all companies at the group code level, as defined by the National Association of Insurance Commissioners.

(b) Potential data suppliers that offer any combination of medical, dental, or pharmaceutical benefits under separate or combined plans must count all Washington covered persons, regardless of the comprehensiveness of the plan, toward the 1000 Washington covered persons threshold.

(2) Initial registration. Each data supplier required to submit health care data pursuant to chapter 43.371 RCW ((shall)) must register within thirty days of notification from the lead organization.

((2)) (3) Annual registration. Each data supplier required to submit health care data pursuant to chapter 43.371 RCW ((shall)) must register by December 31st of each year after the initial registration. If the data supplier initially registers September 1st or later, then the data supplier ((shall)) must file its annual registration by December 31st of the year following the year of the initial registration.

((3)) (4) Each data supplier newly required to submit health care data under chapter 43.371 RCW, either by a change in law or loss of qualified exemption, ((shall)) must register with the lead organization within thirty days of being required to submit data.