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**HOUSE BILL 1889**

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**State of Washington**

**67th Legislature**

**2022 Regular Session**

**By** Representatives Cody and Schmick

1 AN ACT Relating to network access; amending RCW 48.49.150; adding  
2 new sections to chapter 48.43 RCW; and creating a new section.

3 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

4 NEW SECTION. **Sec. 1.** A new section is added to chapter 48.43  
5 RCW to read as follows:

6 (1) A carrier shall maintain and monitor its provider networks on  
7 an ongoing basis for compliance with the network access standards  
8 established in rules adopted by the commissioner.

9 (2) A carrier shall file provider network materials in compliance  
10 with requirements established in network access rules adopted by the  
11 commissioner.

12 (3) Beginning January 1, 2023, the commissioner shall:

13 (a) Review and approve carriers' provider networks prior to use;  
14 and

15 (b) Review carriers' provider networks submitted with health plan  
16 filings and actively monitor carriers' provider networks throughout  
17 the plan year for compliance with this chapter and network access  
18 rules adopted by the commissioner.

19 (4) Beginning January 1, 2023, prior to termination of a contract  
20 with a health care provider, the carrier must provide at least 120

1 days' notice to the commissioner, the health care provider, and to  
2 enrollees of the health plan.

3 NEW SECTION. **Sec. 2.** A new section is added to chapter 48.43  
4 RCW to read as follows:

5 (1) Beginning January 1, 2023, when a carrier files an  
6 alternative access delivery request in order to ensure that health  
7 plan enrollees can access medically necessary covered services at no  
8 greater cost to enrollees than if the services were provided by in-  
9 network providers or facilities:

10 (a) The commissioner shall review and approve or disapprove the  
11 request;

12 (b) The carrier shall notify all providers and facilities listed  
13 in the alternate access delivery request at the time of filing; and

14 (c) The commissioner shall actively monitor the carrier's  
15 compliance with each approved alternate access delivery request.

16 (2) The commissioner may take enforcement action against carriers  
17 that are not in compliance with this section and network access rules  
18 adopted by the commissioner.

19 (3) Beginning November 1, 2024, and annually thereafter, the  
20 office of the commissioner shall submit an annual report to the  
21 appropriate committees of the legislature on the use of alternate  
22 access delivery systems. The report must analyze the use of alternate  
23 access delivery systems by specialty, provider and facility type, and  
24 geographic region.

25 **Sec. 3.** RCW 48.49.150 and 2019 c 427 s 25 are each amended to  
26 read as follows:

27 When determining the adequacy of a proposed provider network or  
28 the ongoing adequacy of an in-force provider network, the  
29 commissioner must (~~consider whether~~) review the carrier's proposed  
30 provider network or in-force provider network and shall enforce  
31 network access requirements to verify the network includes a  
32 sufficient number of contracted providers of emergency and surgical  
33 or ancillary services at or for the carrier's contracted in-network  
34 hospitals or ambulatory surgical facilities to reasonably ensure  
35 enrollees have in-network access to covered benefits delivered at  
36 that facility.

1        NEW SECTION.    **Sec. 4.**    The insurance commissioner may adopt rules  
2    as necessary to implement this act.

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