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 THE NOVEL CORONAVIRUS (COVID-19) OUTBREAK IN WASHINGTON STATE

The outbreak of the novel coronavirus (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 the novel coronavirus (COVID-19) outbreak in Washington state, using the best science and best practices available.

On February 29, 2020, Governor Inslee issued Executive Order # 20-05 declaring a state of emergency due the outbreak of the novel coronavirus (COVID-19) in the United States and in Washington State.

PURSUANT TO the Governor’s Executive Order 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. Provide novel coronavirus (COVID-19) testing to those enrollees who meet the clinical criteria for testing established by the United States Centers for Disease Control and Prevention, as adopted by the Washington state Department of Health, prior to application of any deductible and with no cost-sharing.

B. Remove or lift any claims processing restrictions to allow enrollees to obtain a one-time refill of their covered prescription medications, other than those in the opioid drug class, prior to the expiration of the waiting period between refills so that enrollees can maintain an adequate supply of necessary medication.

C. Suspend any prior authorization requirements that apply to covered diagnostic testing and treatment of the novel coronavirus (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 the novel coronavirus (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.

**BASIS**

1. The geographical extent of this state of emergency is the entire state of Washington.
2. RCW 48.02.060(4)(b)&(c) provide 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. 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 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.
4. Emergency action by the Insurance Commissioner is necessary to protect the safety and welfare of persons affected by the impacts of the novel coronavirus (COVID-19) in the State of Washington.

**ORDER**

*Now, therefore,* the Insurance Commissioner hereby activates the provisions of RCW 48.02.060(4)(e) in order to protect the safety and welfare of persons affected by the impacts of the novel coronavirus (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.

THIS ORDER IS EFFECTIVE IMMEDIATELY AND IS ENTERED at Olympia, Washington, this ___________ day of ________________, 2020.

MIKE KREIDLER
Insurance Commissioner