



February 22, 2023

Jane Beyer, Senior Health Policy Advisor
Office of the Insurance Commissioner
P.O. Box 40255
Olympia, WA 98504
Submitted via email

Ms. Beyer,

On behalf of more than 100 hospital and health system members, the Washington State Hospital Association (WSHA), appreciates the opportunity to provide comment on the request for information related to continuation of the state's Balance Billing Protection Act dispute resolution process. ***We ask the Office of the Insurance Commissioner to extend the current arbitration system under the Balance Billing Protection Act (BBPA) until at least July 1, 2025.***

While we are encouraged with some improvements that have been occurring in the federal No Surprises Act process through rulemaking, we believe more work and time is needed before it can reliably function as the sole independent dispute resolution process. We are particularly concerned about the current lack of monitoring and enforcement mechanisms to ensure qualifying payment amounts advanced by insurers are accurate. A recent [comment letter](#) submitted by the American Hospital Association reflects both our optimism and remaining concerns regarding the status of the NSA process. While hospitals have not directly used the BBPA IDR process much so far, we believe the existence of a robust state process has encouraged negotiation of agreements between hospitals and carriers for out-of-network services, to the benefit of consumers.

In addition, we believe the presence of an objective basis for determining the appropriate median rate for purposes of dispute resolutions has likely helped with insurer compliance and settlement and reduced the volume of cases where the arbitration process needs to be completed for professional services. We are concerned the volume of disputed cases would increase if the state's BBPA process were to be discontinued at this point.

Continuation of the current BBPA process makes sense, giving the need to maintain a state dispute resolution infrastructure and process for behavioral health and ground ambulance services that are not covered under the No Surprises Act.

Thank you again for the opportunity to comment. If you have questions, please contact Andrew Busz, WSHA Policy Director, Finance at (206) 216-2533 or andrewb@wsha.org.

A handwritten signature in cursive script that reads 'Chelene Whiteaker'.

Chelene Whiteaker
Senior Vice President, Government Affairs
Washington State Hospital Association

A handwritten signature in cursive script that reads 'Andrew Busz'.

Andrew Busz
Policy Director, Finance
Washington State Hospital Association