

SB 5180 - H AMD **930**

By Representative Pollet

WITHDRAWN 03/08/2016

1 On page 8, line 29, after "section," insert "and subject to
2 subsection (8) of this section,"

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4 On page 9, line 13, after "subsidiaries," insert "with the office
5 of the attorney general for purposes of investigating any consumer
6 protection or antitrust action,"

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8 On page 10, after line 10, insert the following:
9 "(8) Documents, materials, or information that the commissioner
10 concurs with pursuant to RCW 42.56.400(24) are presumed confidential,
11 privileged, and exempt from disclosure. However, this presumption may
12 be challenged and overcome in a show cause hearing pursuant to chapter
13 42.56 RCW, in any civil proceeding in which records are sought and in
14 which disclosure may serve the public interest, or in any other
15 proceeding."

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17 On page 38, beginning on line 28, strike all material through page
18 43, line 11 and insert the following:

19 "**Sec. 19.** RCW 42.56.400 and 2015 c 122 s 14 and 2015 c 17 s 11
20 are each reenacted and amended to read as follows:

21 The following information relating to insurance and financial
22 institutions is exempt from disclosure under this chapter:

23 (1) Records maintained by the board of industrial insurance
24 appeals that are related to appeals of crime victims' compensation
25 claims filed with the board under RCW 7.68.110;

26 (2) Information obtained and exempted or withheld from public
27 inspection by the health care authority under RCW 41.05.026, whether

1 retained by the authority, transferred to another state purchased
2 health care program by the authority, or transferred by the
3 authority to a technical review committee created to facilitate the
4 development, acquisition, or implementation of state purchased
5 health care under chapter 41.05 RCW;

6 (3) The names and individual identification data of either all
7 owners or all insureds, or both, received by the insurance
8 commissioner under chapter 48.102 RCW;

9 (4) Information provided under RCW 48.30A.045 through
10 48.30A.060;

11 (5) Information provided under RCW 48.05.510 through 48.05.535,
12 48.43.200 through 48.43.225, 48.44.530 through 48.44.555, and
13 48.46.600 through 48.46.625;

14 (6) Examination reports and information obtained by the
15 department of financial institutions from banks under RCW
16 30A.04.075, from savings banks under RCW 32.04.220, from savings and
17 loan associations under RCW 33.04.110, from credit unions under RCW
18 31.12.565, from check cashers and sellers under RCW 31.45.030(3),
19 and from securities brokers and investment advisers under RCW
20 21.20.100, all of which is confidential and privileged information;

21 (7) Information provided to the insurance commissioner under RCW
22 48.110.040(3);

23 (8) Documents, materials, or information obtained by the
24 insurance commissioner under RCW 48.02.065, all of which are
25 confidential and privileged;

26 (9) Documents, materials, or information obtained by the
27 insurance commissioner under RCW 48.31B.015(2) (l) and (m),
28 48.31B.025, 48.31B.030, and 48.31B.035, all of which are
29 confidential and privileged;

30 (10) Data filed under RCW 48.140.020, 48.140.030, 48.140.050,
31 and 7.70.140 that, alone or in combination with any other data, may
32 reveal the identity of a claimant, health care provider, health care
33 facility, insuring entity, or self-insurer involved in a particular
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1 claim or a collection of claims. For the purposes of this
2 subsection:

3 (a) "Claimant" has the same meaning as in RCW 48.140.010(2).

4 (b) "Health care facility" has the same meaning as in RCW
5 48.140.010(6).

6 (c) "Health care provider" has the same meaning as in RCW
7 48.140.010(7).

8 (d) "Insuring entity" has the same meaning as in RCW
9 48.140.010(8).

10 (e) "Self-insurer" has the same meaning as in RCW
11 48.140.010(11);

12 (11) Documents, materials, or information obtained by the
13 insurance commissioner under RCW 48.135.060;

14 (12) Documents, materials, or information obtained by the
15 insurance commissioner under RCW 48.37.060;

16 (13) Confidential and privileged documents obtained or produced
17 by the insurance commissioner and identified in RCW 48.37.080;

18 (14) Documents, materials, or information obtained by the
19 insurance commissioner under RCW 48.37.140;

20 (15) Documents, materials, or information obtained by the
21 insurance commissioner under RCW 48.17.595;

22 (16) Documents, materials, or information obtained by the
23 insurance commissioner under RCW 48.102.051(1) and 48.102.140 (3)
24 and (7)(a)(ii);

25 (17) Documents, materials, or information obtained by the
26 insurance commissioner in the commissioner's capacity as receiver
27 under RCW 48.31.025 and 48.99.017, which are records under the
28 jurisdiction and control of the receivership court. The commissioner
29 is not required to search for, log, produce, or otherwise comply
30 with the public records act for any records that the commissioner
31 obtains under chapters 48.31 and 48.99 RCW in the commissioner's
32 capacity as a receiver, except as directed by the receivership
33 court;

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1 (18) Documents, materials, or information obtained by the
2 insurance commissioner under RCW 48.13.151;

3 (19) Data, information, and documents provided by a carrier
4 pursuant to section 1, chapter 172, Laws of 2010;

5 (20) Information in a filing of usage-based insurance about the
6 usage-based component of the rate pursuant to RCW 48.19.040(5)(b);

7 (21) Data, information, and documents, other than those
8 described in RCW 48.02.210(2), that are submitted to the office of
9 the insurance commissioner by an entity providing health care
10 coverage pursuant to RCW 28A.400.275 and 48.02.210;

11 (22) Data, information, and documents obtained by the insurance
12 commissioner under RCW 48.29.017; (~~and~~)

13 (23) Documents, materials, or information obtained by the
14 insurance commissioner under chapter 48.05A RCW; and

15 (24) Documents, materials, or information obtained by the
16 insurance commissioner under RCW 48.74.025, sections 6, 13(6), 14(2)
17 (b) and (c), and 15 of this act that meet the following
18 requirements:

19 (a) The documents, materials, or information are identified by the
20 insurance company in the insurance company's submission to the
21 commissioner as proprietary and potentially damaging to the insurance
22 company's competitive position and that are not based upon, and not
23 referenced in, any filing with any governmental agency; and

24 (b) The commissioner concurs in the insurance company's
25 identification of documents, materials, or information as
26 proprietary and potentially damaging to the insurance company's
27 competitive position and that are not based upon, and not referenced
28 in, any filing with any governmental agency.

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30 NEW SECTION. Sec. 20. Sections 1 through 19 of this act take
31 effect January 1, 2017."

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33 Correct the title.

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EFFECT: (1) Provides that the commissioner may share documents, materials, and other information with the office of the attorney general investigating any consumer protection or antitrust action, in addition to the other agencies.

(2) Provides that documents, materials, or information that the commissioner concurs with pursuant to RCW 42.56.400(24) are presumed confidential, privileged, and exempt from disclosure. However, this presumption may be challenged and overcome in a show cause hearing pursuant to the chapter 42.56 RCW, in any civil proceeding in which records are sought and in which disclosure may serve the public interest, or in any other proceeding.

(3) Restricts the exemption from the public records act to those documents, materials, or information obtained by the insurance commissioner pursuant to the act that are identified by the insurance company as proprietary and potentially damaging to the insurance company's competitive position and that are not based upon, and not referenced in, any filing with any governmental agency. Requires the commissioner to concur in this determination.

(4) Changes an effective date from January 1, 2016, to January 1, 2017.

(5) Makes a technical edit to update RCW 42.56.400 to reflect separate legislation passed in 2015 that amended RCW 42.56.400, enabling proper codification.

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