
SUBSTITUTE SENATE BILL 6093

State of Washington

55th Legislature

1997 Regular Session

By Senate Committee on Ways & Means (originally sponsored by Senators West and Deccio)

Read first time 04/07/97.

1 AN ACT Relating to the basic health plan; amending RCW 70.47.015;
2 reenacting and amending RCW 70.47.060; providing an effective date; and
3 declaring an emergency.

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

5 **Sec. 1.** RCW 70.47.015 and 1995 c 265 s 1 are each amended to read
6 as follows:

7 (1) The legislature finds that the basic health plan has been an
8 effective program in providing health coverage for uninsured residents.
9 Further, since 1993, substantial amounts of public funds have been
10 allocated for subsidized basic health plan enrollment.

11 (2) It is the intent of the legislature that the basic health plan
12 enrollment be expanded expeditiously, consistent with funds available
13 in the health services account, with the goal of two hundred thousand
14 adult subsidized basic health plan enrollees and one hundred thirty
15 thousand children covered through expanded medical assistance services
16 by June 30, 1997, with the priority of providing needed health services
17 to children in conjunction with other public programs.

1 (3) Effective January 1, 1996, basic health plan enrollees whose
2 income is less than one hundred twenty-five percent of the federal
3 poverty level shall pay at least a ten-dollar premium share.

4 (4) No later than July 1, 1996, the administrator shall implement
5 procedures whereby hospitals licensed under chapters 70.41 and 71.12
6 RCW, health carrier, rural health care facilities regulated under
7 chapter 70.175 RCW, and community and migrant health centers funded
8 under RCW 41.05.220, may expeditiously assist patients and their
9 families in applying for basic health plan or medical assistance
10 coverage, and in submitting such applications directly to the health
11 care authority or the department of social and health services. The
12 health care authority and the department of social and health services
13 shall make every effort to simplify and expedite the application and
14 enrollment process.

15 (5) No later than July 1, 1996, the administrator shall implement
16 procedures whereby health insurance agents and brokers, licensed under
17 chapter 48.17 RCW, may expeditiously assist patients and their families
18 in applying for basic health plan or medical assistance coverage, and
19 in submitting such applications directly to the health care authority
20 or the department of social and health services. Brokers and agents
21 ~~((shall be entitled to))~~ may receive a commission for each individual
22 sale of the basic health plan to anyone not ~~((at anytime previously))~~
23 signed up within the previous five years and a commission for each
24 group sale of the basic health plan, if funding for this purpose is
25 provided in a specific appropriation to the health care authority. No
26 commission shall be provided upon a renewal. Commissions shall be
27 determined based on the estimated annual cost of the basic health plan,
28 however, commissions shall not result in a reduction in the premium
29 amount paid to health carriers. For purposes of this section "health
30 carrier" is as defined in RCW 48.43.005. The administrator may
31 establish: (a) Minimum educational requirements that must be completed
32 by the agents or brokers; (b) an appointment process for agents or
33 brokers marketing the basic health plan; or (c) standards for
34 revocation of the appointment of an agent or broker to submit
35 applications for cause, including untrustworthy or incompetent conduct
36 or harm to the public. The health care authority and the department of
37 social and health services shall make every effort to simplify and
38 expedite the application and enrollment process.

1 **Sec. 2.** RCW 70.47.060 and 1995 c 266 s 1 and 1995 c 2 s 4 are each
2 reenacted and amended to read as follows:

3 The administrator has the following powers and duties:

4 (1) To design and from time to time revise a schedule of covered
5 basic health care services, including physician services, inpatient and
6 outpatient hospital services, prescription drugs and medications, and
7 other services that may be necessary for basic health care. In
8 addition, the administrator may, to the extent that funds are
9 available, offer as basic health plan services chemical dependency
10 services, mental health services and organ transplant services;
11 however, no one service or any combination of these three services
12 shall increase the actuarial value of the basic health plan benefits by
13 more than five percent excluding inflation, as determined by the office
14 of financial management. All subsidized and nonsubsidized enrollees in
15 any participating managed health care system under the Washington basic
16 health plan shall be entitled to receive (~~{covered basic health care~~
17 ~~services}~~) covered basic health care services in return for premium
18 payments to the plan. The schedule of services shall emphasize proven
19 preventive and primary health care and shall include all services
20 necessary for prenatal, postnatal, and well-child care. However, with
21 respect to coverage for groups of subsidized enrollees who are eligible
22 to receive prenatal and postnatal services through the medical
23 assistance program under chapter 74.09 RCW, the administrator shall not
24 contract for such services except to the extent that such services are
25 necessary over not more than a one-month period in order to maintain
26 continuity of care after diagnosis of pregnancy by the managed care
27 provider. The schedule of services shall also include a separate
28 schedule of basic health care services for children, eighteen years of
29 age and younger, for those subsidized or nonsubsidized enrollees who
30 choose to secure basic coverage through the plan only for their
31 dependent children. In designing and revising the schedule of
32 services, the administrator shall consider the guidelines for assessing
33 health services under the mandated benefits act of 1984, RCW 48.42.080,
34 and such other factors as the administrator deems appropriate.

35 However, with respect to coverage for subsidized enrollees who are
36 eligible to receive prenatal and postnatal services through the medical
37 assistance program under chapter 74.09 RCW, the administrator shall not
38 contract for such services except to the extent that the services are
39 necessary over not more than a one-month period in order to maintain

1 continuity of care after diagnosis of pregnancy by the managed care
2 provider.

3 (2)(a) To design and implement a structure of periodic premiums due
4 the administrator from subsidized enrollees that is based upon gross
5 family income, giving appropriate consideration to family size and the
6 ages of all family members. The enrollment of children shall not
7 require the enrollment of their parent or parents who are eligible for
8 the plan. The structure of periodic premiums shall be applied to
9 subsidized enrollees entering the plan as individuals pursuant to
10 subsection (9) of this section and to the share of the cost of the plan
11 due from subsidized enrollees entering the plan as employees pursuant
12 to subsection (10) of this section.

13 (b) To determine the periodic premiums due the administrator from
14 nonsubsidized enrollees. Premiums due from nonsubsidized enrollees
15 shall be in an amount equal to the cost charged by the managed health
16 care system provider to the state for the plan plus the administrative
17 cost of providing the plan to those enrollees and the premium tax under
18 RCW 48.14.0201.

19 (c) An employer or other financial sponsor may, with the prior
20 approval of the administrator, pay the premium, rate, or any other
21 amount on behalf of a subsidized or nonsubsidized enrollee, by
22 arrangement with the enrollee and through a mechanism acceptable to the
23 administrator(~~(, but in no case shall the payment made on behalf of the~~
24 ~~enrollee exceed the total premiums due from the enrollee))~~).

25 (d) To develop, as an offering by all health carriers providing
26 coverage identical to the basic health plan, a model plan benefits
27 package with uniformity in enrollee cost-sharing requirements.

28 (3) To design and implement a structure of enrollee cost sharing
29 due a managed health care system from subsidized and nonsubsidized
30 enrollees. The structure shall discourage inappropriate enrollee
31 utilization of health care services, and may utilize copayments,
32 deductibles, and other cost-sharing mechanisms, but shall not be so
33 costly to enrollees as to constitute a barrier to appropriate
34 utilization of necessary health care services.

35 (4) To limit enrollment of persons who qualify for subsidies so as
36 to prevent an overexpenditure of appropriations for such purposes.
37 Whenever the administrator finds that there is danger of such an
38 overexpenditure, the administrator shall close enrollment until the
39 administrator finds the danger no longer exists.

1 (5) To limit the payment of subsidies to subsidized enrollees, as
2 defined in RCW 70.47.020. The level of subsidy provided to persons who
3 qualify may be based on the lowest cost plans, as defined by the
4 administrator.

5 (6) To adopt a schedule for the orderly development of the delivery
6 of services and availability of the plan to residents of the state,
7 subject to the limitations contained in RCW 70.47.080 or any act
8 appropriating funds for the plan.

9 (7) To solicit and accept applications from managed health care
10 systems, as defined in this chapter, for inclusion as eligible basic
11 health care providers under the plan. The administrator shall endeavor
12 to assure that covered basic health care services are available to any
13 enrollee of the plan from among a selection of two or more
14 participating managed health care systems. In adopting any rules or
15 procedures applicable to managed health care systems and in its
16 dealings with such systems, the administrator shall consider and make
17 suitable allowance for the need for health care services and the
18 differences in local availability of health care resources, along with
19 other resources, within and among the several areas of the state.
20 Contracts with participating managed health care systems shall ensure
21 that basic health plan enrollees who become eligible for medical
22 assistance may, at their option, continue to receive services from
23 their existing providers within the managed health care system if such
24 providers have entered into provider agreements with the department of
25 social and health services.

26 (8) To receive periodic premiums from or on behalf of subsidized
27 and nonsubsidized enrollees, deposit them in the basic health plan
28 operating account, keep records of enrollee status, and authorize
29 periodic payments to managed health care systems on the basis of the
30 number of enrollees participating in the respective managed health care
31 systems.

32 (9) To accept applications from individuals residing in areas
33 served by the plan, on behalf of themselves and their spouses and
34 dependent children, for enrollment in the Washington basic health plan
35 as subsidized or nonsubsidized enrollees, to establish appropriate
36 minimum-enrollment periods for enrollees as may be necessary, and to
37 determine, upon application and on a reasonable schedule defined by the
38 authority, or at the request of any enrollee, eligibility due to
39 current gross family income for sliding scale premiums. No subsidy

1 may be paid with respect to any enrollee whose current gross family
2 income exceeds twice the federal poverty level or, subject to RCW
3 70.47.110, who is a recipient of medical assistance or medical care
4 services under chapter 74.09 RCW. If, as a result of an eligibility
5 review, the administrator determines that a subsidized enrollee's
6 income exceeds twice the federal poverty level and that the enrollee
7 knowingly failed to inform the plan of such increase in income, the
8 administrator may bill the enrollee for the subsidy paid on the
9 enrollee's behalf during the period of time that the enrollee's income
10 exceeded twice the federal poverty level. If a number of enrollees
11 drop their enrollment for no apparent good cause, the administrator may
12 establish appropriate rules or requirements that are applicable to such
13 individuals before they will be allowed to reenroll in the plan.

14 (10) To accept applications from business owners on behalf of
15 themselves and their employees, spouses, and dependent children, as
16 subsidized or nonsubsidized enrollees, who reside in an area served by
17 the plan. The administrator may require all or the substantial
18 majority of the eligible employees of such businesses to enroll in the
19 plan and establish those procedures necessary to facilitate the orderly
20 enrollment of groups in the plan and into a managed health care system.
21 The administrator may require that a business owner pay at least an
22 amount equal to what the employee pays after the state pays its portion
23 of the subsidized premium cost of the plan on behalf of each employee
24 enrolled in the plan. Enrollment is limited to those not eligible for
25 medicare who wish to enroll in the plan and choose to obtain the basic
26 health care coverage and services from a managed care system
27 participating in the plan. The administrator shall adjust the amount
28 determined to be due on behalf of or from all such enrollees whenever
29 the amount negotiated by the administrator with the participating
30 managed health care system or systems is modified or the administrative
31 cost of providing the plan to such enrollees changes.

32 (11) To determine the rate to be paid to each participating managed
33 health care system in return for the provision of covered basic health
34 care services to enrollees in the system. Although the schedule of
35 covered basic health care services will be the same for similar
36 enrollees, the rates negotiated with participating managed health care
37 systems may vary among the systems. In negotiating rates with
38 participating systems, the administrator shall consider the
39 characteristics of the populations served by the respective systems,

1 economic circumstances of the local area, the need to conserve the
2 resources of the basic health plan trust account, and other factors the
3 administrator finds relevant.

4 (12) To monitor the provision of covered services to enrollees by
5 participating managed health care systems in order to assure enrollee
6 access to good quality basic health care, to require periodic data
7 reports concerning the utilization of health care services rendered to
8 enrollees in order to provide adequate information for evaluation, and
9 to inspect the books and records of participating managed health care
10 systems to assure compliance with the purposes of this chapter. In
11 requiring reports from participating managed health care systems,
12 including data on services rendered enrollees, the administrator shall
13 endeavor to minimize costs, both to the managed health care systems and
14 to the plan. The administrator shall coordinate any such reporting
15 requirements with other state agencies, such as the insurance
16 commissioner and the department of health, to minimize duplication of
17 effort.

18 (13) To evaluate the effects this chapter has on private employer-
19 based health care coverage and to take appropriate measures consistent
20 with state and federal statutes that will discourage the reduction of
21 such coverage in the state.

22 (14) To develop a program of proven preventive health measures and
23 to integrate it into the plan wherever possible and consistent with
24 this chapter.

25 (15) To provide, consistent with available funding, assistance for
26 rural residents, underserved populations, and persons of color.

27 NEW SECTION. **Sec. 3.** This act is necessary for the immediate
28 preservation of the public peace, health, or safety, or support of the
29 state government and its existing public institutions, and takes effect
30 July 1, 1997.

--- END ---