

CERTIFICATION OF ENROLLMENT
ENGROSSED SECOND SUBSTITUTE HOUSE BILL 2572

59th Legislature
2006 Regular Session

Passed by the House February 8, 2006
Yeas 57 Nays 41

Speaker of the House of Representatives

Passed by the Senate March 8, 2006
Yeas 25 Nays 23

President of the Senate

Approved

Governor of the State of Washington

CERTIFICATE

I, Richard Nafziger, Chief Clerk of the House of Representatives of the State of Washington, do hereby certify that the attached is **ENGROSSED SECOND SUBSTITUTE HOUSE BILL 2572** as passed by the House of Representatives and the Senate on the dates hereon set forth.

Chief Clerk

FILED

**Secretary of State
State of Washington**

ENGROSSED SECOND SUBSTITUTE HOUSE BILL 2572

Passed Legislature - 2006 Regular Session

State of Washington

59th Legislature

2006 Regular Session

By House Committee on Appropriations (originally sponsored by Representatives Morrell, Clibborn, Green, Flannigan, Eickmeyer, Conway, Dickerson, Blake, Cody, Wallace, Roberts, Appleton, Hasegawa, McCoy, Linville, Simpson, Chase, Darneille, O'Brien, Murray, B. Sullivan, Ormsby, Springer, Moeller and Kagi)

READ FIRST TIME 02/07/06.

1 AN ACT Relating to establishment of the small employer health
2 insurance partnership program; adding a new chapter to Title 70 RCW;
3 and creating a new section.

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

5 NEW SECTION. **Sec. 1.** FINDINGS AND INTENT. (1) The legislature
6 finds that many small employers struggle with the cost of providing
7 employer-sponsored health insurance coverage to their employees, while
8 others are unable to offer employer-sponsored health insurance due to
9 its high cost. Low-wage workers also struggle with the burden of
10 paying their share of the costs of employer-sponsored health insurance,
11 while others turn down their employer's offer of coverage due to its
12 costs.

13 (2) The legislature intends, through establishment of a small
14 employer health insurance partnership program, to remove economic
15 barriers to health insurance coverage for low-wage employees of small
16 employers by building on the private sector health benefit plan system
17 and encouraging employer and employee participation in
18 employer-sponsored health benefit plan coverage.

1 NEW SECTION. **Sec. 2.** DEFINITIONS. The definitions in this
2 section apply throughout this chapter unless the context clearly
3 requires otherwise.

4 (1) "Administrator" means the administrator of the Washington state
5 health care authority, established under chapter 41.05 RCW.

6 (2) "Eligible employee" means an individual who:

7 (a) Is a resident of the state of Washington;

8 (b) Has family income less than two hundred percent of the federal
9 poverty level, as determined annually by the federal department of
10 health and human services; and

11 (c) Is employed by a small employer.

12 (3) "Health benefit plan" has the same meaning as defined in RCW
13 48.43.005 or any plan provided by a self-funded multiple employer
14 welfare arrangement as defined in RCW 48.125.010 or by another benefit
15 arrangement defined in the federal employee retirement income security
16 act of 1974, as amended.

17 (4) "Program" means the small employer health insurance partnership
18 program established in section 3 of this act.

19 (5) "Small employer" has the same meaning as defined in RCW
20 48.43.005.

21 (6) "Subsidy" means payment or reimbursement to an eligible
22 employee toward the purchase of a health benefit plan, and may include
23 a net billing arrangement with insurance carriers or a prospective or
24 retrospective payment for health benefit plan premiums.

25 NEW SECTION. **Sec. 3.** SMALL EMPLOYER HEALTH INSURANCE PARTNERSHIP
26 PROGRAM ESTABLISHED. To the extent funding is appropriated in the
27 operating budget for this purpose, the small employer health insurance
28 partnership program is established. The administrator shall be
29 responsible for the implementation and operation of the small employer
30 health insurance partnership program, directly or by contract. The
31 administrator shall offer premium subsidies to eligible employees under
32 section 4 of this act.

33 NEW SECTION. **Sec. 4.** PREMIUM SUBSIDIES TO ELIGIBLE EMPLOYEES.

34 (1) Beginning July 1, 2007, the administrator shall accept applications
35 from eligible employees, on behalf of themselves, their spouses, and

1 their dependent children, to receive premium subsidies through the
2 small employer health insurance partnership program.

3 (2) Premium subsidy payments may be provided to eligible employees
4 if:

5 (a) The eligible employee is employed by a small employer;

6 (b) The actuarial value of the health benefit plan offered by the
7 small employer is at least equivalent to that of the basic health plan
8 benefit offered under chapter 70.47 RCW. The office of the insurance
9 commissioner under Title 48 RCW shall certify those small employer
10 health benefit plans that are at least actuarially equivalent to the
11 basic health plan benefit; and

12 (c) The small employer will pay at least forty percent of the
13 monthly premium cost for health benefit plan coverage of the eligible
14 employee.

15 (3) The amount of an eligible employee's premium subsidy shall be
16 determined by applying the sliding scale subsidy schedule developed for
17 subsidized basic health plan enrollees under RCW 70.47.060 to the
18 employee's premium obligation for his or her employer's health benefit
19 plan.

20 (4) After an eligible individual has enrolled in the program, the
21 program shall issue subsidies in an amount determined pursuant to
22 subsection (3) of this section to either the eligible employee or to
23 the carrier designated by the eligible employee.

24 (5) An eligible employee must agree to provide verification of
25 continued enrollment in his or her small employer's health benefit plan
26 on a semiannual basis or to notify the administrator whenever his or
27 her enrollment status changes, whichever is earlier. Verification or
28 notification may be made directly by the employee, or through his or
29 her employer or the carrier providing the small employer health benefit
30 plan. When necessary, the administrator has the authority to perform
31 retrospective audits on premium subsidy accounts. The administrator
32 may suspend or terminate an employee's participation in the program and
33 seek repayment of any subsidy amounts paid due to the omission or
34 misrepresentation of an applicant or enrolled employee. The
35 administrator shall adopt rules to define the appropriate application
36 of these sanctions and the processes to implement the sanctions
37 provided in this subsection, within available resources.

1 NEW SECTION. **Sec. 5.** ENROLLMENT LIMITS TO REMAIN WITHIN
2 APPROPRIATION. Enrollment in the small employer health insurance
3 partnership program is not an entitlement and shall not result in
4 expenditures that exceed the amount that has been appropriated for the
5 program in the operating budget. If it appears that continued
6 enrollment will result in expenditures exceeding the appropriated level
7 for a particular fiscal year, the administrator may freeze new
8 enrollment in the program and establish a waiting list of eligible
9 employees who shall receive subsidies only when sufficient funds are
10 available.

11 NEW SECTION. **Sec. 6.** RULES. The administrator shall adopt all
12 rules necessary for the implementation and operation of the small
13 employer health insurance partnership program. As part of the rule
14 development process, the administrator shall consult with small
15 employers, carriers, employee organizations, and the office of the
16 insurance commissioner under Title 48 RCW to determine an effective and
17 efficient method for the payment of subsidies under this chapter. All
18 rules shall be adopted in accordance with chapter 34.05 RCW.

19 NEW SECTION. **Sec. 7.** REPORTS TO THE LEGISLATURE. The
20 administrator shall report biennially to the relevant policy and fiscal
21 committees of the legislature on the effectiveness and efficiency of
22 the small employer health insurance partnership program, including the
23 services and benefits covered under the purchased health benefit plans,
24 consumer satisfaction, and other program operational issues.

25 NEW SECTION. **Sec. 8.** SMALL EMPLOYER HEALTH INSURANCE PARTNERSHIP
26 PROGRAM ACCOUNT. The small employer health insurance partnership
27 program account is hereby established in the custody of the state
28 treasurer. Any nongeneral fund--state funds collected for the small
29 employer health insurance partnership program shall be deposited in the
30 small employer health insurance partnership program account. Moneys in
31 the account shall be used exclusively for the purposes of administering
32 the small employer health insurance partnership program, including
33 payments to participating managed health care systems on behalf of
34 small employer health insurance partnership enrollees. Only the
35 administrator of the health care authority or his or her designee may

1 authorize expenditures from the account. The account is subject to
2 allotment procedures under chapter 43.88 RCW, but an appropriation is
3 not required for expenditures.

4 NEW SECTION. **Sec. 9.** STATE CHILDREN'S HEALTH INSURANCE PROGRAM--
5 FEDERAL WAIVER REQUEST. The department of social and health services
6 shall submit a request to the federal department of health and human
7 services by October 1, 2006, for a state children's health insurance
8 program section 1115 demonstration waiver. The waiver request shall
9 seek authorization from the federal government to draw down Washington
10 state's unspent state children's health insurance program allotment to
11 finance basic health plan coverage, as provided in chapter 70.47 RCW,
12 for parents of children enrolled in medical assistance or the state
13 children's health insurance program. The waiver also shall seek
14 authorization from the federal government to utilize the resulting
15 state savings to finance expanded basic health plan enrollment, or
16 subsidies provided to low-wage workers through the small employer
17 health insurance partnership program established in this chapter.

18 NEW SECTION. **Sec. 10.** The joint legislative audit and review
19 committee shall conduct a program and fiscal review of the small
20 employer health insurance partnership program and report their findings
21 and recommendation to the appropriate committees of the legislature no
22 later than December 1, 2009.

23 NEW SECTION. **Sec. 11.** Captions used in this act are not part of
24 the law.

25 NEW SECTION. **Sec. 12.** Sections 1 through 9 and 11 of this act
26 constitute a new chapter in Title 70 RCW.

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