

ESHB 1220 - S AMD 288

By Senators Becker, Keiser

ADOPTED 04/07/2011

1 Strike everything after the enacting clause and insert the
2 following:

3 "Sec. 1. RCW 48.02.120 and 1985 c 264 s 2 are each amended to read
4 as follows:

5 (1) The commissioner shall preserve in permanent form records of
6 his or her proceedings, hearings, investigations, and examinations, and
7 shall file such records in his or her office.

8 (2) The records of the commissioner and insurance filings in his or
9 her office shall be open to public inspection, except as otherwise
10 provided by this code.

11 (3) Except as provided in subsection (4) of this section, actuarial
12 formulas, statistics, and assumptions submitted in support of a rate or
13 form filing by an insurer, health care service contractor, or health
14 maintenance organization or submitted to the commissioner upon his or
15 her request shall be withheld from public inspection in order to
16 preserve trade secrets or prevent unfair competition.

17 (4) For individual and small group health benefit plan rate filings
18 submitted on or after July 1, 2011, subsection (3) of this section
19 applies only to the numeric values of each small group rating factor
20 used by a health carrier as authorized by RCW 48.21.045(3)(a),
21 48.44.023(3)(a), and 48.46.066(3)(a). Subsection (3) of this section
22 may continue to apply for a period of one year from the date a new
23 individual or small group product filing is submitted or until the next
24 rate filing for the product, whichever occurs earlier, if the
25 commissioner determines that the proposed rate filing is for a new
26 product that is distinct and unique from any of the carrier's currently
27 or previously offered health benefit plans. Carriers must make a
28 written request for a product classification as a new product under
29 this subsection and must receive subsequent written approval by the
30 commissioner for this subsection to apply.

1 (5) Unless the commissioner has determined that a filing is for a
2 new product pursuant to subsection (4) of this section, for all
3 individual or small group health benefit rate filings submitted on or
4 after July 1, 2011, the health carrier must submit part I rate increase
5 summary and part II written explanation of the rate increase as set
6 forth by the department of health and human services at the time of
7 filing, and the commissioner must:

8 (a) Make each filing and the part I rate increase summary and part
9 II written explanation of the rate increase available for public
10 inspection on the tenth calendar day after the commissioner determines
11 that the rate filing is complete and accepts the filing for review
12 through the electronic rate and form filing system; and

13 (b) Prepare a standardized rate summary form, to explain his or her
14 findings after the rate review process is completed. The
15 commissioner's summary form must be included as part of the rate filing
16 documentation and available to the public electronically."

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17 On page 1, line 1 of the title, after "rates;" strike the remainder
18 of the title and insert "and amending RCW 48.02.120."

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