

**ESB 6458** - H COMM AMD

By Committee on Health Care & Wellness

ADOPTED 03/07/2014

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

3 "Sec. 1. RCW 48.02.060 and 2010 c 27 s 1 are each amended to read  
4 as follows:

5 (1) The commissioner has the authority expressly conferred upon him  
6 or her by or reasonably implied from the provisions of this code.

7 (2) The commissioner must execute his or her duties and must  
8 enforce the provisions of this code.

9 (3) The commissioner may:

10 (a) Make reasonable rules for effectuating any provision of this  
11 code, except those relating to his or her election, qualifications, or  
12 compensation. Rules are not effective prior to their being filed for  
13 public inspection in the commissioner's office.

14 (b) Conduct investigations to determine whether any person has  
15 violated any provision of this code.

16 (c) Conduct examinations, investigations, hearings, in addition to  
17 those specifically provided for, useful and proper for the efficient  
18 administration of any provision of this code.

19 (4) When the governor proclaims a state of emergency under RCW  
20 43.06.010(12), the commissioner may issue an order that addresses any  
21 or all of the following matters related to insurance policies issued in  
22 this state:

23 (a) Reporting requirements for claims;

24 (b) Grace periods for payment of insurance premiums and performance  
25 of other duties by insureds;

26 (c) Temporary postponement of cancellations and nonrenewals; and

27 (d) Medical coverage to ensure access to care.

28 (5) An order by the commissioner under subsection (4) of this  
29 section may remain effective for not more than sixty days unless the  
30 commissioner extends the termination date for the order for an

1 additional period of not more than thirty days. The commissioner may  
2 extend the order if, in the commissioner's judgment, the circumstances  
3 warrant an extension. An order of the commissioner under subsection  
4 (4) of this section is not effective after the related state of  
5 emergency is terminated by proclamation of the governor under RCW  
6 43.06.210. The order must specify, by line of insurance:

7 (a) The geographic areas in which the order applies, which must be  
8 within but may be less extensive than the geographic area specified in  
9 the governor's proclamation of a state of emergency and must be  
10 specific according to an appropriate means of delineation, such as the  
11 United States postal service zip codes or other appropriate means; and

12 (b) The date on which the order becomes effective and the date on  
13 which the order terminates.

14 (6) The commissioner may adopt rules that establish general  
15 criteria for orders issued under subsection (4) of this section and may  
16 adopt emergency rules applicable to a specific proclamation of a state  
17 of emergency by the governor.

18 (7) The rule-making authority set forth in subsection (6) of this  
19 section does not limit or affect the rule-making authority otherwise  
20 granted to the commissioner by law.

21 (8) In addition to the requirements of the administrative procedure  
22 act established in chapter 34.05 RCW, the commissioner must provide  
23 notice of proposed rule making on matters related to health care  
24 insurance to the health care committees of the legislature, the health  
25 benefit exchange established under chapter 43.71 RCW, the health care  
26 authority established under chapter 41.05 RCW, and the governor. In  
27 the event a dispute arises among the state officials and entities  
28 implementing the federal patient protection and affordable care act,  
29 the governor shall convene a meeting of the following officials and  
30 entities to resolve the dispute:

31 (a) The insurance commissioner;

32 (b) The health care authority;

33 (c) The department of health;

34 (d) The department of social and health services;

35 (e) The governor's legislative affairs and policy office;

36 (f) The office of financial management;

37 (g) The health benefit exchange; and

1 (h) Any other officials or entities the governor deems appropriate,  
2 including:  
3 (i) The department of corrections;  
4 (ii) The department of veterans affairs; and  
5 (iii) The department of labor and industries.  
6 (9) The governor may utilize the governor's health leadership team  
7 established in Executive Order 13-05 as a forum to convene the meeting  
8 required in subsection (8) of this section.  
9 (10) The governor shall report the resolution of the meeting to the  
10 appropriate committees of the legislature and the joint select  
11 committee on health care oversight."

12 Correct the title.

EFFECT: Removes provisions allowing the chairs of the health care committees of the Legislature to notify the Joint Administrative Rules Review Committee when a party objects to health insurance rules adopted by the Insurance Commissioner. Requires the Governor to convene a meeting in the event a dispute arises regarding the implementation of the federal Patient Protection and Affordable Care Act. Requires the meeting to include the Insurance Commissioner, the Health Care Authority, the Department of Health, the Department of Social and Health Services, the Governor's Legislative Affairs and Policy Office, the Office of Financial Management, the Health Benefit Exchange, and any other officials or entities the Governor deems appropriate, including the Department of Corrections, the Department of Veterans Affairs, and the Department of Labor and Industries. Allows the Governor to utilize the Governor's Health Leadership Team as a forum to convene the meeting. Requires the Governor to report the resolution of the meeting to the appropriate committees of the Legislature and to the Joint Select Committee on Health Care Oversight.

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