

SB 6519 - H COMM AMD

By Committee on Appropriations

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

3 "Sec. 1. RCW 48.02.210 and 2012 2nd sp.s. c 3 s 5 are each amended
4 to read as follows:

5 (1) For purposes of this section, "benefit provider" has the same
6 meaning as provided in RCW 28A.400.270.

7 (2)(a) By December 1, 2013, and December 1st of each year
8 thereafter, the commissioner shall submit a report to the governor, the
9 health care authority, and the legislature on school district health
10 insurance benefits. The report shall be available to the public on the
11 commissioner's web site. The confidentiality of personally
12 identifiable district employee data shall be safeguarded consistent
13 with the provisions of RCW 42.56.400(21).

14 (b) The report shall include a summary of each school district's
15 health insurance benefit plans and each district's aggregated financial
16 data and other information as required in RCW 28A.400.275.

17 (3) The commissioner shall collect data from school districts or
18 their benefit providers to fulfill the requirements of this section.
19 The commissioner may adopt rules necessary to implement the data
20 submission requirements under this section and RCW 28A.400.275,
21 including, but not limited to, the format, timing of data reporting,
22 data elements, data standards, instructions, definitions, and data
23 sources.

24 (4) In fulfilling the duties under chapter 3, Laws of 2012 2nd sp.
25 sess., the commissioner shall consult with school district
26 representatives to ensure that the data and reports from benefit
27 providers will give individual school districts sufficient information
28 to enhance districts' ability to understand, manage, and seek
29 competitive alternatives for health insurance coverage for their
30 employees.

1 (5) If the commissioner determines that a school district has not
2 substantially complied with the reporting requirements of RCW
3 28A.400.275, and the failure is due to the action or inaction of the
4 school district, the commissioner will inform the superintendent of
5 public instruction of the noncompliance.

6 (6) The office of the insurance commissioner shall share all data,
7 information, and documents collected pursuant to this section with the
8 health care authority.

9 (7) Data, information, and documents, other than those described in
10 subsection (2) of this section, that are provided by a school district
11 or an entity providing coverage pursuant to this section are exempt
12 from public inspection and copying under chapter 3, Laws of 2012 2nd
13 sp. sess. and chapters 42.17A and 42.56 RCW.

14 ~~((+7))~~ (8) If a school district or benefit provider does not
15 comply with the data reporting requirements of this section or RCW
16 28A.400.275, and the failure is due to the actions of an entity
17 providing coverage authorized under this title ~~((48—RCW))~~, the
18 commissioner may take enforcement actions under this chapter.

19 ~~((+8))~~ (9) The commissioner may enter into one or more personal
20 services contracts with third-party contractors to provide services
21 necessary to accomplish the commissioner's responsibilities under
22 chapter 3, Laws of 2012 2nd sp. sess.

23 **Sec. 2.** RCW 41.05.655 and 2012 2nd sp.s. c 3 s 6 are each amended
24 to read as follows:

25 By June 1, 2015, the health care authority must report to the
26 governor, legislature, and joint legislative audit and review committee
27 the following duties and analyses, based on two years of reports and
28 other data, information, and documents collected by the office of the
29 insurance commissioner, on school district health benefits submitted to
30 it by the office of the insurance commissioner under this section or
31 RCW 48.02.210:

32 (1) The director shall establish a specific target to realize the
33 goal of greater equity between premium costs for full family coverage
34 and employee only coverage for the same health benefit plan. In
35 developing this target, the director shall consider the appropriateness
36 of the three-to-one ratio of employee premium costs between full family

1 coverage and employee only coverage, and consider alternatives based on
2 the data and information received from the office of the insurance
3 commissioner.

4 (2) The director shall also study and report the advantages and
5 disadvantages to the state, local school districts, and district
6 employees:

7 (a) Whether better progress on the legislative goals could be
8 achieved through consolidation of school district health insurance
9 purchasing through a single consolidated school employee health
10 benefits purchasing plan;

11 (b) Whether better progress on the legislative goals could be
12 achieved by consolidating K-12 health insurance purchasing through the
13 public employees' benefits board program, and whether consolidation
14 into the public employees' benefits board program would be preferable
15 to the creation of a consolidated school employee health benefits
16 purchasing plan; and

17 (c) Whether certificated or classified employees, as separate
18 groups, would be better served by purchasing health insurance through
19 a single consolidated school employee health benefits purchasing plan
20 or through participation in the public employees' benefits board
21 program(~~(; and~~
22 ~~(d))~~).

23 (3) Analyses shall include implications of taking any of the
24 actions described in subsection (2)(a) through (c) of this
25 ((subsection)) section to include, at a minimum, the following: The
26 costs for the state and school employees, impacts for existing
27 purchasing programs, a proposed timeline for the implementation of any
28 recommended actions.

29 (4) Data, information, and documents that are provided to the
30 authority by a school district, an entity providing coverage, the
31 office of the insurance commissioner, or the joint legislative audit
32 and review committee, pursuant to this section or RCW 48.02.210 are
33 exempt from public inspection and copying under chapters 42.17A and
34 42.56 RCW.

35 (5) Data, information, and documents that are provided pursuant to
36 this section or RCW 48.02.210 shall be used solely for the purposes in
37 this section and shall not be disclosed in any manner that could
38 identify health conditions or information of any individual.

1 (6) Any data reporting provided by districts with fewer than fifty
2 employees shall be aggregated in reports issued by the health care
3 authority in a manner to prevent disclosure of individual health
4 conditions and information.

5 **Sec. 3.** RCW 42.56.400 and 2013 c 277 s 5 and 2013 c 65 s 5 are
6 each reenacted and amended to read as follows:

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

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

12 (2) Information obtained and exempted or withheld from public
13 inspection by the health care authority under RCW 41.05.026, whether
14 retained by the authority, transferred to another state purchased
15 health care program by the authority, or transferred by the authority
16 to a technical review committee created to facilitate the development,
17 acquisition, or implementation of state purchased health care under
18 chapter 41.05 RCW;

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

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

23 (5) Information provided under RCW 48.05.510 through 48.05.535,
24 48.43.200 through 48.43.225, 48.44.530 through 48.44.555, and 48.46.600
25 through 48.46.625;

26 (6) Examination reports and information obtained by the department
27 of financial institutions from banks under RCW 30.04.075, from savings
28 banks under RCW 32.04.220, from savings and loan associations under RCW
29 33.04.110, from credit unions under RCW 31.12.565, from check cashers
30 and sellers under RCW 31.45.030(3), and from securities brokers and
31 investment advisers under RCW 21.20.100, all of which is confidential
32 and privileged information;

33 (7) Information provided to the insurance commissioner under RCW
34 48.110.040(3);

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

1 (9) Confidential proprietary and trade secret information provided
2 to the commissioner under RCW 48.31C.020 through 48.31C.050 and
3 48.31C.070;

4 (10) Data filed under RCW 48.140.020, 48.140.030, 48.140.050, and
5 7.70.140 that, alone or in combination with any other data, may reveal
6 the identity of a claimant, health care provider, health care facility,
7 insuring entity, or self-insurer involved in a particular claim or a
8 collection of claims. For the purposes of this subsection:

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

10 (b) "Health care facility" has the same meaning as in RCW
11 48.140.010(6).

12 (c) "Health care provider" has the same meaning as in RCW
13 48.140.010(7).

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

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

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

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

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

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

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

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

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

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

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

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

5 (21) Data, information, and documents, other than those described
6 in RCW 48.02.210(2), that are submitted to the office of the insurance
7 commissioner by an entity providing health care coverage pursuant to
8 RCW 28A.400.275, 41.05.655, and 48.02.210; (~~and~~)

9 (22) Data, information, and documents obtained by the insurance
10 commissioner under RCW 48.29.017; and

11 (23) Information not subject to public inspection or public
12 disclosure under RCW 48.43.730(5).

13 **Sec. 4.** RCW 42.56.400 and 2013 c 65 s 5 are each amended to read
14 as follows:

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

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

20 (2) Information obtained and exempted or withheld from public
21 inspection by the health care authority under RCW 41.05.026, whether
22 retained by the authority, transferred to another state purchased
23 health care program by the authority, or transferred by the authority
24 to a technical review committee created to facilitate the development,
25 acquisition, or implementation of state purchased health care under
26 chapter 41.05 RCW;

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

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

31 (5) Information provided under RCW 48.05.510 through 48.05.535,
32 48.43.200 through 48.43.225, 48.44.530 through 48.44.555, and 48.46.600
33 through 48.46.625;

34 (6) Examination reports and information obtained by the department
35 of financial institutions from banks under RCW 30.04.075, from savings
36 banks under RCW 32.04.220, from savings and loan associations under RCW
37 33.04.110, from credit unions under RCW 31.12.565, from check cashers

1 and sellers under RCW 31.45.030(3), and from securities brokers and
2 investment advisers under RCW 21.20.100, all of which is confidential
3 and privileged information;

4 (7) Information provided to the insurance commissioner under RCW
5 48.110.040(3);

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

9 (9) Confidential proprietary and trade secret information provided
10 to the commissioner under RCW 48.31C.020 through 48.31C.050 and
11 48.31C.070;

12 (10) Data filed under RCW 48.140.020, 48.140.030, 48.140.050, and
13 7.70.140 that, alone or in combination with any other data, may reveal
14 the identity of a claimant, health care provider, health care facility,
15 insuring entity, or self-insurer involved in a particular claim or a
16 collection of claims. For the purposes of this subsection:

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

18 (b) "Health care facility" has the same meaning as in RCW
19 48.140.010(6).

20 (c) "Health care provider" has the same meaning as in RCW
21 48.140.010(7).

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

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

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

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

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

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

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

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

36 (17) Documents, materials, or information obtained by the insurance
37 commissioner in the commissioner's capacity as receiver under RCW
38 48.31.025 and 48.99.017, which are records under the jurisdiction and

1 control of the receivership court. The commissioner is not required to
2 search for, log, produce, or otherwise comply with the public records
3 act for any records that the commissioner obtains under chapters 48.31
4 and 48.99 RCW in the commissioner's capacity as a receiver, except as
5 directed by the receivership court;

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

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

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

12 (21) Data, information, and documents, other than those described
13 in RCW 48.02.210(2), that are submitted to the office of the insurance
14 commissioner by an entity providing health care coverage pursuant to
15 RCW 28A.400.275, 41.05.655, and 48.02.210; and

16 (22) Data, information, and documents obtained by the insurance
17 commissioner under RCW 48.29.017.

18 NEW SECTION. **Sec. 5.** Section 3 of this act expires July 1, 2017.

19 NEW SECTION. **Sec. 6.** Section 4 of this act takes effect July 1,
20 2017."

21 Correct the title.

EFFECT: Data, information, and documents provided shall not be disclosed in any manner that could identify health conditions or information of any individual. Reports issued by the Health Care Authority shall aggregate data from districts with fewer than 50 employees in a manner to prevent disclosure of individual health data.

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