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SENATE BILL 5931

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State of Washington                      63rd Legislature                      2013 1st Special Session

By Senators Hargrove, Becker, and Keiser

Read first time 05/13/13. Referred to Committee on Health Care .

1            AN ACT Relating to carriers operating outside of the exchange but  
2 only relating to requiring that carriers offering health benefit plans  
3 that meet the definition of bronze level in the individual or small  
4 group market must also offer silver and gold level plans as specified  
5 in section 1302 of P.L. 111-148 of 2010 and that nongrandfathered  
6 individual and small group health plans must conform with the actuarial  
7 value tiers specified in section 1302 of P.L. 111-148 of 2010; and  
8 amending RCW 48.43.700 and 48.43.705.

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

10            **Sec. 1.** RCW 48.43.700 and 2012 c 87 s 6 are each amended to read  
11 as follows:

12            (1) For plan or policy years beginning January 1, 2014, a carrier  
13 (~~must offer individual or small group health benefit plans that meet~~  
14 ~~the definition of silver and gold level plans in section 1302 of P.L.~~  
15 ~~111-148 of 2010, as amended, in any market outside the exchange in~~  
16 ~~which it offers a plan that meets the definition of bronze level in~~  
17 ~~section 1302 of P.L. 111-148 of 2010, as amended)) offering a health  
18 benefit plan that meets the definition of bronze level in section 1302  
19 of P.L. 111-148 of 2010, as amended, in the individual market outside~~

1 of the exchange must also offer plans that meet the definition of  
2 silver and gold level plans in section 1302 of P.L. 111-148 of 2010, as  
3 amended, in the individual market outside of the exchange.

4 (2) For plan or policy years beginning January 1, 2014, a carrier  
5 offering a health benefit plan that meets the definition of bronze  
6 level in section 1302 of P.L. 111-148 of 2010, as amended, in the small  
7 group market outside of the exchange must also offer plans that meet  
8 the definition of silver and gold level plans in section 1302 of P.L.  
9 111-148 of 2010, as amended, in the small group market outside of the  
10 exchange.

11 (3) A health benefit plan meeting the definition of a catastrophic  
12 plan in RCW 48.43.005(8)(c)(i) may only be sold through the exchange.

13 ~~((+3))~~ (4) By December 1, 2016, the exchange board, in  
14 consultation with the commissioner, must complete a review of the  
15 impact of this section on the health and viability of the markets  
16 inside and outside the exchange and submit the recommendations to the  
17 legislature on whether to maintain the market rules or let them expire.

18 ~~((+4))~~ (5) The commissioner shall evaluate plans offered at each  
19 actuarial value defined in section 1302 of P.L. 111-148 of 2010, as  
20 amended, and determine whether variation in prescription drug benefit  
21 cost-sharing, both inside and outside the exchange in both the  
22 individual and small group markets results in adverse selection. If  
23 so, the commissioner may adopt rules to assure substantial equivalence  
24 of prescription drug cost-sharing.

25 **Sec. 2.** RCW 48.43.705 and 2012 c 87 s 7 are each amended to read  
26 as follows:

27 All nongrandfathered individual and small group health plans, other  
28 than catastrophic health plans, offered outside of the exchange must  
29 conform with the actuarial value tiers specified in section 1302 of  
30 P.L. 111-148 of 2010, as amended, as bronze, silver, gold, or platinum.

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