

SSB 5683 - H COMM AMD  
By Committee on Appropriations

ADOPTED 02/28/2018

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

3 NEW SECTION. **Sec. 1.** (1) The legislature finds that:

4 (a) The compact of free association (COFA) islands, which  
5 consists of the Republic of Palau, the Republic of the Marshall  
6 Islands, and the Federated States of Micronesia, has had a long-  
7 standing relationship with the United States;

8 (b) The relationship between the COFA islands and the United  
9 States includes economic development and a military presence in the  
10 islands;

11 (c) The region served as a testing ground for atmospheric nuclear  
12 weapons between 1946 and 1957, which resulted in past and current  
13 inhabitants being exposed to nuclear fallout;

14 (d) Residents of the COFA islands are allowed to enter the United  
15 States without work permits or visas where they live, study, work,  
16 serve in the military, and pay state and federal taxes, but are  
17 ineligible for federal health programs like medicaid and medicare;  
18 and

19 (e) This ineligibility for federal health programs has  
20 exacerbated barriers to health care access for this population, which  
21 has led to poorer health outcomes and increased, long-term costs on  
22 the health care system as a whole.

23 (2) The legislature therefore intends to increase access to  
24 health care services for COFA islanders residing in Washington by  
25 providing premium and cost-sharing assistance for health coverage  
26 purchased through the health benefit exchange.

27 NEW SECTION. **Sec. 2.** The definitions in this section apply  
28 throughout this chapter unless the context clearly requires  
29 otherwise.

30 (1) "Advance premium tax credit" means the premium assistance  
31 amount determined in accordance with the affordable care act.

1 (2) "Affordable care act" means the federal patient protection  
2 and affordable care act, P.L. 111-148, as amended by the federal  
3 health care and education reconciliation act of 2010, P.L. 111-152,  
4 or federal regulations or guidance issued under the affordable care  
5 act.

6 (3) "Authority" means the Washington state health care authority.

7 (4) "COFA citizen" means a person who is a citizen of:

8 (a) The Republic of the Marshall Islands;

9 (b) The Federated States of Micronesia; or

10 (c) The Republic of Palau.

11 (5) "Health benefit exchange" or "exchange" means the Washington  
12 health benefit exchange established in chapter 43.71 RCW.

13 (6) "Income" means the modified adjusted gross income attributed  
14 to an individual for purposes of determining his or her eligibility  
15 for advance premium tax credits.

16 (7) "In-network provider" means a health care provider or group  
17 of providers that directly contracts with an insurer to provide  
18 health benefits covered by a health benefit plan offered by an  
19 insurer.

20 (8) "Open enrollment period" means the period during which a  
21 person may enroll in a qualified health plan.

22 (9) "Out-of-pocket costs" means copayments, coinsurance,  
23 deductibles, and other cost-sharing requirements imposed under a  
24 qualified health plan for services, pharmaceuticals, devices, and  
25 other health benefits that are covered by the plan and rendered by  
26 in-network providers.

27 (10) "Premium cost" means an individual's premium for a qualified  
28 health plan less the amount of the individual's advance premium tax  
29 credit.

30 (11) "Qualified health plan" means a health benefit plan sold  
31 through the health benefit exchange.

32 (12) "Resident" means a person who is domiciled in this state.

33 (13) "Special enrollment period" means a period during which a  
34 person who has not done so during the open enrollment period may  
35 enroll in a qualified health plan through the exchange if the person  
36 meets specified requirements.

37 NEW SECTION. **Sec. 3.** (1) An individual is eligible for the COFA  
38 premium assistance program if the individual:

39 (a) Is a resident;

1 (b) Is a COFA citizen;  
2 (c) Enrolls in a silver qualified health plan;  
3 (d) Has income that is less than one hundred thirty-three percent  
4 of the federal poverty level; and  
5 (e) Is ineligible for a federal or state medical assistance  
6 program administered by the authority under chapter 74.09 RCW.

7 (2) Subject to the availability of amounts appropriated for this  
8 specific purpose, the authority shall pay the premium cost for a  
9 qualified health plan and the out-of-pocket costs for the coverage  
10 provided by the plan for an individual who is eligible for the  
11 premium assistance program under subsection (1) of this section.

12 (3) The authority may disqualify a participant from the program  
13 if the participant:

14 (a) No longer meets the eligibility criteria in subsection (1) of  
15 this section;  
16 (b) Fails, without good cause, to comply with procedural or  
17 documentation requirements established by the authority in accordance  
18 with subsection (4) of this section;  
19 (c) Fails, without good cause, to notify the authority of a  
20 change of address in a timely manner;  
21 (d) Withdraws the participant's application or requests  
22 termination of coverage; or  
23 (e) Performs an act, practice, or omission that constitutes  
24 fraud, and, as a result, an insurer rescinds the participant's policy  
25 for the qualified health plan.

26 (4) The authority shall establish:

27 (a) Application, enrollment, and renewal processes for the COFA  
28 premium assistance program;  
29 (b) The qualified health plans that are eligible for  
30 reimbursement under the program;  
31 (c) Procedural requirements for continued participation in the  
32 program, including participant documentation requirements that are  
33 necessary for the authority to administer the program;  
34 (d) Open enrollment periods and special enrollment periods  
35 consistent with the enrollment periods for the health insurance  
36 exchange; and  
37 (e) A comprehensive community education and outreach campaign,  
38 working with stakeholder and community organizations, to facilitate  
39 applications for, and enrollment in, the program. Subject to the  
40 availability of amounts appropriated for this specific purpose, the

1 education and outreach program shall provide culturally and  
2 linguistically accessible information to facilitate participation in  
3 the program, including but not limited to enrollment procedures,  
4 benefit utilization, and patient responsibilities.

5 (5) The community education and outreach campaign conducted by  
6 the authority must begin no later than September 1, 2018.

7 (6) The first open enrollment period for the COFA premium  
8 assistance program must begin no later than November 1, 2018.

9 NEW SECTION. **Sec. 4.** The authority shall appoint an advisory  
10 committee that includes, but is not limited to, insurers and  
11 representatives of communities of COFA citizens. The committee shall  
12 advise the authority in the development, implementation, and  
13 operation of the COFA premium assistance program established in this  
14 chapter. The advisory committee must exist until at least December  
15 31, 2019. Subject to the availability of amounts appropriated for  
16 this specific purpose, advisory committee members may be reimbursed  
17 for transportation and travel expenses related to serving on the  
18 committee, as needed.

19 NEW SECTION. **Sec. 5.** No later than December 31, 2019, the  
20 authority shall report to the governor and the legislature on the  
21 implementation of the COFA premium assistance program established  
22 under this chapter including, but not limited to:

- 23 (1) The number of individuals participating in the program;
- 24 (2) The actual costs of the program compared to predicted costs;
- 25 (3) The results of the community education and outreach campaign;
- 26 and
- 27 (4) Funding needed to continue the program through the end of the  
28 biennium.

29 NEW SECTION. **Sec. 6.** This act is necessary for the immediate  
30 preservation of the public peace, health, or safety, or support of  
31 the state government and its existing public institutions, and takes  
32 effect immediately.

33 NEW SECTION. **Sec. 7.** Sections 1 through 6 of this act  
34 constitute a new chapter in Title 43 RCW."

35 Correct the title.

EFFECT: Expands the medical programs for which eligibility would make a person ineligible for the COFA Premium Assistance Program to all federal or state medical assistance programs administered by the health care authority, instead of only the Medicaid program.

--- END ---