

SSB 5683 - H COMM AMD

By Committee on Health Care & Wellness

NOT CONSIDERED 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.

- 1 (1) "Advance premium tax credit" means the premium assistance
2 amount determined in accordance with the affordable care act.
- 3 (2) "Affordable care act" means the federal patient protection
4 and affordable care act, P.L. 111-148, as amended by the federal
5 health care and education reconciliation act of 2010, P.L. 111-152,
6 or federal regulations or guidance issued under the affordable care
7 act.
- 8 (3) "Authority" means the Washington state health care authority.
- 9 (4) "COFA citizen" means a person who is a citizen of:
- 10 (a) The Republic of the Marshall Islands;
- 11 (b) The Federated States of Micronesia; or
- 12 (c) The Republic of Palau.
- 13 (5) "Health benefit exchange" or "exchange" means the Washington
14 health benefit exchange established in chapter 43.71 RCW.
- 15 (6) "Income" means the modified adjusted gross income attributed
16 to an individual for purposes of determining his or her eligibility
17 for advance premium tax credits.
- 18 (7) "In-network provider" means a health care provider or group
19 of providers that directly contracts with an insurer to provide
20 health benefits covered by a health benefit plan offered by an
21 insurer.
- 22 (8) "Open enrollment period" means the period during which a
23 person may enroll in a qualified health plan.
- 24 (9) "Out-of-pocket costs" means copayments, coinsurance,
25 deductibles, and other cost-sharing requirements imposed under a
26 qualified health plan for services, pharmaceuticals, devices, and
27 other health benefits that are covered by the plan and rendered by
28 in-network providers.
- 29 (10) "Premium cost" means an individual's premium for a qualified
30 health plan less the amount of the individual's advance premium tax
31 credit.
- 32 (11) "Qualified health plan" means a health benefit plan sold
33 through the health benefit exchange.
- 34 (12) "Resident" means a person who is domiciled in this state.
- 35 (13) "Special enrollment period" means a period during which a
36 person who has not done so during the open enrollment period may
37 enroll in a qualified health plan through the exchange if the person
38 meets specified requirements.

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

3 (a) Is a resident;

4 (b) Is a COFA citizen;

5 (c) Enrolls in a silver qualified health plan;

6 (d) Has income that is less than one hundred thirty-three percent
7 of the federal poverty level; and

8 (e) Is ineligible for a federal or state medical program.

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

14 (3) The authority may disqualify a participant from the program
15 if the participant:

16 (a) No longer meets the eligibility criteria in subsection (1) of
17 this section;

18 (b) Fails, without good cause, to comply with procedural or
19 documentation requirements established by the authority in accordance
20 with subsection (4) of this section;

21 (c) Fails, without good cause, to notify the authority of a
22 change of address in a timely manner;

23 (d) Withdraws the participant's application or requests
24 termination of coverage; or

25 (e) Performs an act, practice, or omission that constitutes
26 fraud, and, as a result, an insurer rescinds the participant's policy
27 for the qualified health plan.

28 (4) The authority shall establish:

29 (a) Application, enrollment, and renewal processes for the COFA
30 premium assistance program;

31 (b) The qualified health plans that are eligible for
32 reimbursement under the program;

33 (c) Procedural requirements for continued participation in the
34 program, including participant documentation requirements that are
35 necessary for the authority to administer the program;

36 (d) Open enrollment periods and special enrollment periods
37 consistent with the enrollment periods for the health insurance
38 exchange; and

39 (e) A comprehensive community education and outreach campaign,
40 working with stakeholder and community organizations, to facilitate

1 applications for, and enrollment in, the program. Subject to the
2 availability of amounts appropriated for this specific purpose, the
3 education and outreach program shall provide culturally and
4 linguistically accessible information to facilitate participation in
5 the program, including but not limited to enrollment procedures,
6 benefit utilization, and patient responsibilities.

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

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

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

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

- 25 (1) The number of individuals participating in the program;
- 26 (2) The actual costs of the program compared to predicted costs;
- 27 (3) The results of the community education and outreach campaign;

28 and

29 (4) Funding needed to continue the program through the end of the
30 biennium.

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

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

3 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 programs, instead of only the Medicaid program.

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