

# SENATE BILL REPORT

## ESB 5274

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As Passed Senate, March 13, 2019

**Title:** An act relating to dental coverage for Pacific islanders residing in Washington.

**Brief Description:** Concerning dental coverage for Pacific islanders residing in Washington.

**Sponsors:** Senators Hasegawa, Hunt, Wilson, C., Billig, Nguyen, Conway, Das, Frockt, Keiser, Randall and Saldaña.

**Brief History:**

**Committee Activity:** Health & Long Term Care: 1/30/19, 2/06/19 [DP-WM].

Ways & Means: 2/19/19, 2/26/19 [DP].

**Floor Activity:**

Passed Senate: 3/13/19, 47-0.

### Brief Summary of Engrossed Bill

- Creates a dental care program for Washington residents who are citizens of the Republic of the Marshall Islands, the Federated States of Micronesia, or the Republic of Palau.

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### SENATE COMMITTEE ON HEALTH & LONG TERM CARE

**Majority Report:** Do pass and be referred to Committee on Ways & Means.

Signed by Senators Cleveland, Chair; Randall, Vice Chair; O'Ban, Ranking Member; Bailey, Becker, Conway, Dhingra, Frockt, Keiser and Van De Wege.

**Staff:** Evan Klein (786-7483)

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### SENATE COMMITTEE ON WAYS & MEANS

**Majority Report:** Do pass.

Signed by Senators Rolfes, Chair; Frockt, Vice Chair, Operating, Capital Lead; Mullet, Capital Budget Cabinet; Braun, Ranking Member; Brown, Assistant Ranking Member, Operating; Honeyford, Assistant Ranking Member, Capital; Bailey, Becker, Billig, Carlyle, Conway, Darneille, Hasegawa, Hunt, Keiser, Liias, Palumbo, Rivers, Schoesler, Van De Wege, Wagoner, Warnick and Wilson, L..

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*This analysis was prepared by non-partisan legislative staff for the use of legislative members in their deliberations. This analysis is not a part of the legislation nor does it constitute a statement of legislative intent.*

**Staff:** Sandy Stith (786-7710)

**Background:** Under the federal Patient Protection and Affordable Care Act (ACA), each state must establish a health benefit exchange through which consumers may compare and purchase individual and small group coverage, access premium and cost-sharing subsidies, and apply for Medicaid coverage. Washington's health benefit exchange, the Washington Healthplanfinder, is a public-private partnership governed by a board consisting of members with expertise in the health care system and health care coverage. Stand-alone dental plans may be offered on the health benefit exchange, but must be certified by the exchange. Federal premium subsidies are not available for dental plans offered to individuals on the exchange.

Under the Compact of Free Association (COFA), citizens of the Republic of the Marshall Islands, the Federated States of Micronesia, and the Republic of Palau may live and work in the United States and serve in the United States military. Citizens of COFA nations are also eligible for premium assistance through the exchanges established by the ACA. Citizens of COFA nations are, however, ineligible for Medicaid.

In 2018, the Pacific Island Citizens Health Care Premium Assistance Program (Premium Assistance Program) was enacted to provide premium assistance to COFA citizens who enroll in a silver qualified health plan on the individual market, make less than 133 percent of the federal poverty, and are ineligible for federal or state medical assistance programs.

**Summary of Engrossed Bill:** The COFA islander dental care program (Dental Program) is established, requiring the Health Care Authority (HCA) to pay the premium for purchasing a qualified dental plan and the total out-of-pocket costs for services rendered by in-network dental providers, for eligible COFA islanders.

COFA islanders are eligible for the Dental Program, if they are eligible for the Premium Assistance Program, or if they:

- are a Washington resident;
- enroll in a qualified dental plan on the health benefit exchange;
- have an income less than 133 percent of the federal poverty level; and
- are enrolled in Medicare.

A person is disqualified for the Dental Program if they:

- no longer meet eligibility criteria;
- fail to comply with the Dental Program procedural or documentation requirements;
- fail to notify HCA of a change of address in a timely manner;
- withdraw their application or request termination of coverage; or
- commit fraud that results in an insurer rescinding the policy.

The HCA must establish:

- application, enrollment, and renewal processes;
- the qualified dental plans that are eligible for reimbursement by the Dental Program;
- procedural requirements for participation in the Dental Program;

- open enrollment and special enrollment periods consistent with the enrollment periods of the Washington Healthplanfinder—the first open enrollment period must begin by November 1, 2020; and
- subject to appropriations, an annual comprehensive community education and outreach campaign for both the premium assistance and dental programs. In establishing the annual education and outreach campaign, HCA must consult with the Washington State Commission on Asian Pacific American Affairs.

The Premium Assistance Program advisory committee must advise the HCA on the Dental Program. Reimbursement for advisory committee members' transportation and travel expenses is no longer made subject to appropriations.

**Appropriation:** None.

**Fiscal Note:** Available.

**Creates Committee/Commission/Task Force that includes Legislative members:** No.

**Effective Date:** The bill contains an emergency clause and takes effect immediately.

**Staff Summary of Public Testimony (Health & Long Term Care):** PRO: The COFA agreement was in part to help alleviate guilt of the United States, who used their home islands as target practice for nuclear bombs. The COFA agreement provides these citizens residency in the United States, but does not provide them health coverage. The state took on the responsibility to provide these COFA citizens medical coverage, and this bill extends dental coverage to these individuals. This bill, by extending dental coverage, will make the total medical package comparable to Medicaid. There will be automatic enrollment in the dental benefit, for people who are enrolled in the medical program. Oral healthcare helps alleviate a number of health disparities. Pacific Islanders have a higher rate of tooth decay than white residents, and these disparities range from childhood through adulthood. It is important to think about the long term effects and harm that lack of oral care can cause.

**Persons Testifying (Health & Long Term Care):** PRO: Senator Bob Hasegawa, Prime Sponsor; Alison Mondy, Arcora Foundation; Emily Lovell, Washington State Dental Association; Brenda Kelek, citizen; Litonya Lester, Children's Alliance.

**Persons Signed In To Testify But Not Testifying (Health & Long Term Care):** No one.

**Staff Summary of Public Testimony (Ways & Means):** PRO: This is the COFA dental bill. In return for our protection, we are supposed to provide for some amount of social certainty for the citizens covered by this compact. Unfortunately, the U.S. government has not lived up to its responsibility for that social certainty. It will not provide medical coverage for a people who we have used as a nuclear testing facility and allowed radiation to fall on them so we can see how this affects them medically. Since the U.S. government has not done the right thing, it falls on the state of Washington to do the right thing and provide this group of people coverage. The actual right thing to do would be to not have a means test for coverage on the medical service we provide. The means test follows the dental coverage as well. This dental coverage will be so helpful. This bill builds on the investment from last

year. We know dental care is a sound investment, in preventing more costly and painful procedures, avoided ER visits, and missed work. Like COFA health care, this provides parity with Medicaid. To be eligible, people must be at or below 133 percent of the federal poverty level. Like other Washingtonians, COFA members are tax payers. They serve in our military in very high rates. This is one of the reason the National Association for Atomic Veterans is in support of this bill again this year. This is about equity. Pacific Islanders experience some of the highest health disparities in our state. This is an important step toward correcting a historical wrong.

**Persons Testifying (Ways & Means):** PRO: Senator Bob Hasegawa, Prime Sponsor; Emily Murphy, Children's Alliance.

**Persons Signed In To Testify But Not Testifying (Ways & Means):** No one.