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ENGROSSED SENATE BILL 5274

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State of Washington

66th Legislature

2019 Regular Session

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

Read first time 01/16/19. Referred to Committee on Health & Long Term Care.

1 AN ACT Relating to dental coverage for Pacific islanders residing  
2 in Washington; amending RCW 43.71A.010, 43.71A.020, and 43.71A.800;  
3 adding new sections to chapter 43.71A RCW; creating a new section;  
4 and declaring an emergency.

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

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

7 (a) The legislature recognized the important relationship between  
8 the citizens of the compact of free association (COFA) nations and  
9 the United States by enacting the COFA premium assistance program in  
10 2018 to pay for premiums and out-of-pocket expenses for COFA citizens  
11 who purchase qualifying health coverage;

12 (b) While other Washingtonians who are income-eligible for  
13 medicaid receive dental coverage through apple health, individuals  
14 enrolled in the COFA premium assistance program do not currently have  
15 affordable access to dental coverage;

16 (c) Affordable access to dental care, including preventative  
17 care, is critical to treating the whole body health of an individual  
18 and preventing systemic health problems such as stroke, heart attack,  
19 and diabetes. Poor oral health is also associated with a wide range  
20 of hardships including difficulty obtaining employment, work absences  
21 due to pain, and decreased productivity; and

1 (d) Research shows that people living in households in which the  
2 primary language spoken at home is not English, seniors, people with  
3 disabilities, and people who identify as Native Hawaiian or Pacific  
4 Islanders are disproportionately impacted by oral health inequities.

5 (2) The legislature therefore intends to increase access to  
6 dental services for COFA islanders residing in Washington by  
7 establishing a dental services program that provides dental coverage  
8 to income-eligible members of this population with no premium or  
9 cost-sharing payment requirements.

10 **Sec. 2.** RCW 43.71A.010 and 2018 c 161 s 2 are each amended to  
11 read as follows:

12 The definitions in this section apply throughout this chapter  
13 unless the context clearly requires otherwise.

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

16 (2) "Affordable care act" means the federal patient protection  
17 and affordable care act, P.L. 111-148, as amended by the federal  
18 health care and education reconciliation act of 2010, P.L. 111-152,  
19 or federal regulations or guidance issued under the affordable care  
20 act.

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

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

23 (a) The Republic of the Marshall Islands;

24 (b) The Federated States of Micronesia; or

25 (c) The Republic of Palau.

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

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

31 (7) "In-network provider" means a health care provider or group  
32 of providers that directly contracts with an insurer to provide  
33 health benefits covered by a health benefit plan offered by an  
34 insurer.

35 (8) "Open enrollment period" means the period during which a  
36 person may enroll in a qualified health plan or qualified dental  
37 plan.

38 (9) "Out-of-pocket costs" means copayments, coinsurance,  
39 deductibles, and other cost-sharing requirements imposed under a

1 qualified health plan or qualified dental plan for services,  
2 pharmaceuticals, devices, and other health benefits that are covered  
3 by the plan and rendered by in-network providers.

4 (10) "Premium cost" means an individual's premium for a qualified  
5 health plan or qualified dental plan less the amount of the  
6 individual's advance premium tax credit.

7 (11) "Qualified dental plan" means a stand-alone dental benefit  
8 plan sold through the health benefit exchange.

9 (12) "Qualified health plan" means a health benefit plan sold  
10 through the health benefit exchange.

11 (~~(12)~~) (13) "Resident" means a person who is domiciled in this  
12 state.

13 (~~(13)~~) (14) "Special enrollment period" means a period during  
14 which a person who has not done so during the open enrollment period  
15 may enroll in a qualified health plan or qualified dental plan  
16 through the exchange if the person meets specified requirements.

17 (15) "Total cost of care" means out-of-pocket costs and other  
18 costs for services rendered by in-network dental providers that  
19 exceed the qualified dental plan maximum benefit for the plan year.

20 **Sec. 3.** RCW 43.71A.020 and 2018 c 161 s 3 are each amended to  
21 read as follows:

22 (1) An individual is eligible for the COFA premium assistance  
23 program if the individual:

24 (a) Is a resident;

25 (b) Is a COFA citizen;

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

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

29 (e) Is ineligible for a federal or state medical assistance  
30 program administered by the authority under chapter 74.09 RCW.

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

36 (3) The authority may disqualify a participant from the program  
37 if the participant:

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

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

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

6 (d) Withdraws the participant's application or requests  
7 termination of coverage; or

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

11 (4) The authority shall establish:

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

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

16 (c) Procedural requirements for continued participation in the  
17 program, including participant documentation requirements that are  
18 necessary for the authority to administer the program; and

19 (d) Open enrollment periods and special enrollment periods  
20 consistent with the enrollment periods for the health ((insurance  
21 [health benefit])) benefit exchange(;~~and~~

22 ~~(e) A comprehensive community education and outreach campaign,~~  
23 ~~working with stakeholder and community organizations, to facilitate~~  
24 ~~applications for, and enrollment in, the program. Subject to the~~  
25 ~~availability of amounts appropriated for this specific purpose, the~~  
26 ~~education and outreach program shall provide culturally and~~  
27 ~~linguistically accessible information to facilitate participation in~~  
28 ~~the program, including but not limited to enrollment procedures,~~  
29 ~~benefit utilization, and patient responsibilities.~~

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

32 ((~~6~~)) (5) The first open enrollment period for the COFA premium  
33 assistance program must begin no later than November 1, 2018.

34 NEW SECTION. **Sec. 4.** A new section is added to chapter 43.71A  
35 RCW to read as follows:

36 The authority, in consultation with the Washington state  
37 commission on Asian Pacific American affairs, shall establish an  
38 annual comprehensive community education and outreach program to COFA  
39 citizens, including contracting with a Washington organization that

1 has multilingual language capacity, and working with stakeholder and  
2 community organizations, to facilitate applications for, and  
3 enrollment in, the COFA premium assistance and dental care programs.  
4 Subject to the availability of amounts appropriated for this specific  
5 purpose, the education and outreach program shall provide culturally  
6 and linguistically accessible information to facilitate participation  
7 in the programs, including but not limited to enrollment procedures,  
8 benefit utilization, and patient responsibilities.

9 NEW SECTION. **Sec. 5.** A new section is added to chapter 43.71A  
10 RCW to read as follows:

11 (1) An individual is eligible for the COFA islander dental care  
12 program if the individual is eligible for the COFA premium assistance  
13 program under RCW 43.71A.020, or:

- 14 (a) Is a resident;
- 15 (b) Is a COFA citizen;
- 16 (c) Enrolls in a qualified dental plan;
- 17 (d) Has income that is less than one hundred thirty-three percent  
18 of the federal poverty level; and
- 19 (e) Is enrolled in medicare coverage under Title XVIII of the  
20 social security act (42 U.S.C. Sec. 1395 et seq., as amended).

21 (2) The authority shall pay the premium cost for a qualified  
22 dental plan and the total cost of care for an individual who is  
23 eligible for the COFA islander dental care program under subsection  
24 (1) of this section.

25 (3) The authority may disqualify a participant from the program  
26 if the participant:

- 27 (a) No longer meets the eligibility criteria in subsection (1) of  
28 this section;
- 29 (b) Fails, without good cause, to comply with procedural or  
30 documentation requirements established by the authority in accordance  
31 with subsection (4) of this section;
- 32 (c) Fails, without good cause, to notify the authority of a  
33 change of address in a timely manner;
- 34 (d) Withdraws the participant's application or requests  
35 termination of coverage; or
- 36 (e) Performs an act, practice, or omission that constitutes  
37 fraud, and, as a result, an insurer rescinds the participant's policy  
38 for the qualified dental plan.

39 (4) The authority shall establish:

1 (a) Application, enrollment, and renewal processes for the COFA  
2 islander dental care program;

3 (b) The qualified dental plans that are eligible for  
4 reimbursement under the program;

5 (c) Procedural requirements for continued participation in the  
6 program, including participant documentation requirements that are  
7 necessary for the authority to administer the program; and

8 (d) Open enrollment periods and special enrollment periods  
9 consistent with the enrollment periods for the health benefit  
10 exchange.

11 (5) The first open enrollment period for the COFA islander dental  
12 care program must begin no later than November 1, 2020.

13 **Sec. 6.** RCW 43.71A.800 and 2018 c 161 s 4 are each amended to  
14 read as follows:

15 The authority shall appoint an advisory committee that includes,  
16 but is not limited to, insurers and representatives of communities of  
17 COFA citizens. The committee shall advise the authority in the  
18 development, implementation, and operation of the COFA premium  
19 assistance and the COFA islander dental care programs established in  
20 this chapter. The advisory committee must exist until at least  
21 December 31, ((2019)) 2020. ((Subject to the availability of amounts  
22 appropriated for this specific purpose,)) Advisory committee members  
23 may be reimbursed for transportation and travel expenses related to  
24 serving on the committee, as needed.

25 NEW SECTION. **Sec. 7.** This act is necessary for the immediate  
26 preservation of the public peace, health, or safety, or support of  
27 the state government and its existing public institutions, and takes  
28 effect immediately.

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