
SENATE BILL 6400

State of Washington

66th Legislature

2020 Regular Session

By Senators Randall, Cleveland, Keiser, Kuderer, Wilson, C., Hunt, Van De Wege, Dhingra, Das, Lovelett, Nguyen, Conway, and Saldaña

Read first time 01/16/20. Referred to Committee on Health & Long Term Care.

1 AN ACT Relating to mitigating inequity in the health insurance
2 market caused by health plans that exclude certain mandated benefits;
3 adding a new section to chapter 48.43 RCW; and adding a new section
4 to chapter 43.71 RCW.

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

6 NEW SECTION. **Sec. 1.** A new section is added to chapter 48.43
7 RCW to read as follows:

8 (1) A health carrier that excludes, under state or federal law,
9 any benefit required or mandated by this title or rules adopted by
10 the commissioner from any health plan or student health plan shall:

11 (a) Notify each enrollee in writing of the following:

12 (i) Which benefits the health plan or student health plan does
13 not cover; and

14 (ii) Alternate ways in which the enrollees may access excluded
15 benefits in a timely manner;

16 (b) Ensure that enrollees have prompt access to the information
17 required under this subsection; and

18 (c) Clearly and legibly include the information specified in
19 (a)(i) and (ii) of this subsection in all of its marketing materials
20 for that plan. The information must also be listed in the benefit

1 booklet and posted on the carrier's health plan or student health
2 plan web site.

3 (2) For the purpose of mitigating inequity in the health
4 insurance market, the commissioner may assess a fee on any health
5 carrier offering a health plan or student health plan if the health
6 plan or student health plan excludes, under state or federal law, any
7 essential health benefit or coverage that is otherwise required or
8 mandated by this title or rules adopted by the commissioner.

9 (a) The fee must be the actuarial equivalent of costs attributed
10 to the provision and administration of the excluded benefit.

11 (b) Fees paid under this section must be deposited into the
12 general fund.

13 (3) Nothing in this section limits the authority of the
14 commissioner to take enforcement action if a health carrier
15 unlawfully fails to comply with the provisions of this title.

16 (4) The commissioner shall adopt any rules necessary to implement
17 this section.

18 NEW SECTION. **Sec. 2.** A new section is added to chapter 43.71
19 RCW to read as follows:

20 (1) Beginning July 1, 2021, the exchange shall provide
21 individuals seeking to purchase coverage on its web site with access
22 to the information a health carrier must provide under section 1 of
23 this act for any qualified health plan the health carrier offers that
24 excludes, under state or federal law, any benefit required or
25 mandated by Title 48 RCW or rules adopted by the commissioner.

26 (2) The exchange may provide the access required under this
27 section directly on its web site, through a link to an external web
28 site, or in any other manner that allows consumers to easily access
29 the information.

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