

HOUSE BILL REPORT

HB 1507

As Reported by House Committee On:
Judiciary

Title: An act relating to prohibiting civil or criminal liabilities or penalties for actions related to the Washington state health insurance pool.

Brief Description: Prohibiting civil or criminal liabilities or penalties for actions related to the Washington state health insurance pool.

Sponsors: Representatives Cody, Lantz, Priest, Schual-Berke, Darneille, Kirby and Moeller.

Brief History:

Committee Activity:

Judiciary: 2/18/05, 2/22/05 [DPS].

Brief Summary of Substitute Bill

- Expands the Washington State Health Insurance Pool's immunity from civil and criminal liability to add employees of the pool and the Insurance Commissioner, to cover a broader range of actions, including inaction and discretionary decisions, and to add a good faith requirement.

HOUSE COMMITTEE ON JUDICIARY

Majority Report: The substitute bill be substituted therefor and the substitute bill do pass. Signed by 9 members: Representatives Lantz, Chair; Flannigan, Vice Chair; Williams, Vice Chair; Priest, Ranking Minority Member; Rodne, Assistant Ranking Minority Member; Campbell, Serben, Springer and Wood.

Staff: Trudes Tango Hutcheson (786-7384).

Background:

The Washington State Health Insurance Pool (WSHIP) is the state-facilitated insurance program for individuals who are unable to obtain coverage in the private market. It is governed by a 10-member volunteer board of directors (board), six of whom are appointed by the Governor and four of whom are selected from among the health carriers that make up the membership of the pool. The Insurance Commissioner is also a non-voting, ex officio member.

The board's responsibilities include establishing screening mechanisms for subscribers, establishing rates, assessing members of the pool, and issuing health coverage policies.

The pool, members of the pool, and members of the board of directors are immune from civil and criminal liability for their participation in the pool, for the establishment of rates, forms, or procedures for issuing coverage by the pool, or for any other joint or collective action required by the statutes.

Summary of Substitute Bill:

The immunity provision is expanded to add employees of the pool and the Insurance Commissioner, to cover a broader range of actions, including inaction and discretionary decisions, and to add a good faith requirement.

The pool, members, board directors, officers, employees, the Insurance Commissioner, and the Commissioner's representatives and employees are not civilly or criminally liable for actions taken or not taken, including discretionary decisions or failure to make discretionary decisions, when the action or inaction is done in good faith and in the performance of the powers and duties of the laws governing WSHIP.

Substitute Bill Compared to Original Bill:

The substitute bill expressly states that lawsuits may be brought against the pool to enforce the pool's statutory and contractual obligations.

Appropriation: None.

Fiscal Note: Not requested.

Effective Date of Substitute Bill: The bill takes effect 90 days after adjournment of session in which bill is passed.

Testimony For: None.

Testimony Against: None.

Persons Testifying: None.

Persons Signed In To Testify But Not Testifying: None.