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ENGROSSED SUBSTITUTE SENATE BILL 6097

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State of Washington

66th Legislature

2020 Regular Session

**By** Senate Health & Long Term Care (originally sponsored by Senators Rolfes, Kuderer, Pedersen, Frockt, Conway, Randall, Carlyle, and Saldaña)

READ FIRST TIME 02/06/20.

1 AN ACT Relating to requiring the insurance commissioner to review  
2 a health carrier's surplus, capital, or profit levels as part of its  
3 rate filing review process; and adding a new section to chapter 48.43  
4 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) For individual and small group rate filings with an effective  
9 date on or after January 1, 2021, submitted by a nonprofit health  
10 carrier for either the individual or small group markets, the  
11 commissioner may review the carrier's surplus, capital, or profit  
12 levels as an element in determining the reasonableness of the  
13 proposed rate.

14 (2) In reviewing the surplus, capital, or profit levels, the  
15 commissioner must take into consideration whether a carrier's  
16 insurance holding company system offers a qualified health plan in  
17 the individual market in every county of the state, and the current  
18 capital facility needs for carriers, including those maintaining and  
19 operating hospital and clinical facilities.

1           (3) Except as provided in subsection (1) of this section, this  
2 section does not affect the rate review authority granted to the  
3 commissioner by chapter 48.19, 48.44, or 48.46 RCW.

4           (4) Nothing in this section affects the requirement that all  
5 approved individual and small group rates be actuarially sound  
6 according to chapter 48.19, 48.44, or 48.46 RCW.

7           (5) The commissioner may adopt rules to implement this section.

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