9

10

11

12

13 14

15

16 17

18 19

20 21

22

23 24

25

26

E2SHB 2572 - S AMD TO S AMD 218 (2572-S2.E AMS KEIS SEIB 001) **296** Senator Parlette

ADOPTED 3/1/2006

On page 1, line 9, after "costs." insert "A small employer health 1 insurance program that provides subsidies for employers who want to 2 purchase one type of insurance and allows other employers to choose more kinds of low-cost insurance products would help more small 4 5 employers provide health insurance for their employees."

6 On page 5, after line 25, insert the following:

7 "Sec. 13. RCW 48.21.045 and 2004 c 244 s 1 are each amended to read as 8 follows:

- $(1)((\frac{a}{a}))$ An insurer offering any health benefit plan to a small employer, either directly or through an association or member-governed group formed specifically for the purpose of purchasing health care, may offer and actively market to the small employer ((a)) no more than one health benefit plan featuring a limited schedule of covered health care services. (Nothing in this subsection shall preclude an insurer from offering, or a small employer from purchasing, other health benefit plans that may have more comprehensive benefits than those included in the product offered under this subsection. An insurer offering a health benefit plan under this subsection shall clearly disclose all covered benefits to the small employer in a brochure filed with the commissioner.
- (b) A health benefit plan offered under this subsection shall provide coverage for hospital expenses and services rendered by a physician licensed under chapter 18.57 or 18.71 RCW but is not subject to the requirements of RCW 48.21.130, 48.21.140, 48.21.141, 48.21.142, 48.21.144, 48.21.146, 48.21.160 through 48.21.197, 48.21.200, 48.21.220, 48.21.225, 48.21.230, 48.21.235, 48.21.240, 48.21.244, 48.21.250, 48.21.300, 48.21.310, or 48.21.320.
- 27 (2))) (a) The plan offered under this subsection may be offered 28 29 with a choice of cost-sharing arrangements, and may, but is not required to, comply with: RCW 48.21.130 through 48.21.240, 48.21.244 30 through 48.21.280, 48.21.300 through 48.21.320, 48.43.045(1) except as 31

- required in (b) of this subsection, 48.43.093, 48.43.115 through 48.43.185, 48.43.515(5), or 48.42.100.
 - (b) In offering the plan under this subsection, the insurer must offer the small employer the option of permitting every category of health care provider to provide health services or care for conditions covered by the plan pursuant to RCW 48.43.045(1).
 - (2) An insurer offering the plan under subsection (1) of this section must also offer and actively market to the small employer at least one additional health benefit plan.
 - (3) Nothing in this section shall prohibit an insurer from offering, or a purchaser from seeking, health benefit plans with benefits in excess of the health benefit plan offered under subsection (1) of this section. All forms, policies, and contracts shall be submitted for approval to the commissioner, and the rates of any plan offered under this section shall be reasonable in relation to the benefits thereto.
 - $((\frac{3}{3}))$ $\underline{(4)}$ Premium rates for health benefit plans for small employers as defined in this section shall be subject to the following provisions:
 - (a) The insurer shall develop its rates based on an adjusted community rate and may only vary the adjusted community rate for:
 - (i) Geographic area;
 - (ii) Family size;
 - (iii) Age; and

4

5

7

8

9

10

11

12

13

14

15 16

17

18

19

2021

22

2324

26

27

28

29

3031

32

33

- 25 (iv) Wellness activities.
 - (b) The adjustment for age in (a)(iii) of this subsection may not use age brackets smaller than five-year increments, which shall begin with age twenty and end with age sixty-five. Employees under the age of twenty shall be treated as those age twenty.
 - (c) The insurer shall be permitted to develop separate rates for individuals age sixty-five or older for coverage for which medicare is the primary payer and coverage for which medicare is not the primary payer. Both rates shall be subject to the requirements of this subsection $((\frac{3}{3}))$ (4).
- 35 (d) The permitted rates for any age group shall be no more than 36 four hundred twenty-five percent of the lowest rate for all age groups 37 on January 1, 1996, four hundred percent on January 1, 1997, and three 38 hundred seventy-five percent on January 1, 2000, and thereafter.

(e) A discount for wellness activities shall be permitted to reflect actuarially justified differences in utilization or cost attributed to such programs.

- (f) The rate charged for a health benefit plan offered under this section may not be adjusted more frequently than annually except that the premium may be changed to reflect:
 - (i) Changes to the enrollment of the small employer;
 - (ii) Changes to the family composition of the employee;
- 9 (iii) Changes to the health benefit plan requested by the small 10 employer; or
 - (iv) Changes in government requirements affecting the health benefit plan.
 - (g) Rating factors shall produce premiums for identical groups that differ only by the amounts attributable to plan design, with the exception of discounts for health improvement programs.
 - (h) For the purposes of this section, a health benefit plan that contains a restricted network provision shall not be considered similar coverage to a health benefit plan that does not contain such a provision, provided that the restrictions of benefits to network providers result in substantial differences in claims costs. A carrier may develop its rates based on claims costs ((due to network provider reimbursement schedules or type of network)) for a plan. This subsection does not restrict or enhance the portability of benefits as provided in RCW 48.43.015.
 - (i) Except for small group health benefit plans that qualify as insurance coverage combined with a health savings account as defined by the United States internal revenue service, adjusted community rates established under this section shall pool the medical experience of all small groups purchasing coverage. However, annual rate adjustments for each small group health benefit plan may vary by up to plus or minus ((four)) eight percentage points from the overall adjustment of a carrier's entire small group pool((, such overall adjustment to be approved by the commissioner, upon a showing by the carrier, certified by a member of the American academy of actuaries that: (i) The variation is a result of deductible leverage, benefit design, or provider network characteristics; and (ii) for a rate renewal period, the projected weighted average of all small group benefit plans will have a revenue neutral effect on the carrier's small group pool.

 Variations of greater than four percentage points are subject to review

- 1 by the commissioner, and must be approved or denied within sixty days
- 2 of submittal)) if certified by a member of the American academy of
- 3 actuaries, that: (i) The variation is a result of deductible leverage,
- 4 benefit design, claims cost trend for the plan, or provider network
- 5 <u>characteristics; and (ii) for a rate renewal period, the projected</u>
- 6 <u>weighted average of all small group benefit plans will have a revenue</u>
- 7 neutral effect on the carrier's small group pool. Variations of
- 8 greater than eight percentage points are subject to review by the
- 9 commissioner, and must be approved or denied within thirty days of
- 10 submittal. A variation that is not denied within ***(xty**)) thirty days
- 11 shall be deemed approved. The commissioner must provide to the carrier
- 12 a detailed actuarial justification for any denial ((within thirty
- 13 days)) at the time of the denial.

15 16

17

18

19

2021

2223

24

25

26

27

2829

3031

32

33

34

35

36

3738

- $((\frac{4}{}))$ (5) Nothing in this section shall restrict the right of employees to collectively bargain for insurance providing benefits in excess of those provided herein.
 - (((5))) (6) (a) Except as provided in this subsection, requirements used by an insurer in determining whether to provide coverage to a small employer shall be applied uniformly among all small employers applying for coverage or receiving coverage from the carrier.
 - (b) An insurer shall not require a minimum participation level greater than:
 - (i) One hundred percent of eligible employees working for groups with three or less employees; and
 - (ii) Seventy-five percent of eligible employees working for groups with more than three employees.
 - (c) In applying minimum participation requirements with respect to a small employer, a small employer shall not consider employees or dependents who have similar existing coverage in determining whether the applicable percentage of participation is met.
 - (d) An insurer may not increase any requirement for minimum employee participation or modify any requirement for minimum employer contribution applicable to a small employer at any time after the small employer has been accepted for coverage.
- (((6))) (7) An insurer must offer coverage to all eligible employees of a small employer and their dependents. An insurer may not offer coverage to only certain individuals or dependents in a small employer group or to only part of the group. An insurer may not modify a health plan with respect to a small employer or any eligible employee

- or dependent, through riders, endorsements or otherwise, to restrict or exclude coverage or benefits for specific diseases, medical conditions, or services otherwise covered by the plan.
- 4 (((7))) (8) As used in this section, "health benefit plan," "small employer," "adjusted community rate," and "wellness activities" mean the same as defined in RCW 48.43.005.
- 7 **Sec. 14.** RCW 48.44.023 and 2004 c 244 s 7 are each amended to read 8 as follows:
- $(1)((\frac{1}{2}))$ A health care services contractor offering any health 9 10 benefit plan to a small employer, either directly or through an association or member-governed group formed specifically for the 11 purpose of purchasing health care, may offer and actively market to the 12 small employer ((a)) no more than one health benefit plan featuring a 13 limited schedule of covered health care services. ((Nothing in this 14 15 subsection shall preclude a contractor from offering, or a small 16 employer from purchasing, other health benefit plans that may have more 17 comprehensive benefits than those included in the product offered under this subsection. A contractor offering a health benefit plan under 18 this subsection shall clearly disclose all covered benefits to the 19 20 small employer in a brochure filed with the commissioner.
- (b) A health benefit plan offered under this subsection shall provide coverage for hospital expenses and services rendered by a physician licensed under chapter 18.57 or 18.71 RCW but is not subject to the requirements of RCW 48.44.225, 48.44.240, 48.44.245, 48.44.290, 48.44.300, 48.44.310, 48.44.320, 48.44.325, 48.44.330, 48.44.335, 48.44.340, 48.44.344, 48.44.360, 48.44.400, 48.44.440, 48.44.450, and 48.44.460.
- (2))) (a) The plan offered under this subsection may be offered 28 with a choice of cost-sharing arrangements, and may, but is not 29 required to, comply with: RCW 48.44.210, 48.44.212, 48.44.225, 30 48.44.240 through 48.44.245, 48.44.290 through 48.44.340, 48.44.344, 31 48.44.360 through 48.44.380, 48.44.400, 48.44.420, 48.44.440 through 32 48.44.460, 48.44.500, 48.43.045(1) except as required in (b) of this 33 subsection, 48.43.093, 48.43.115 through 48.43.185, 48.43.515(5), or 34 35 48.42.100.
- 36 <u>(b) In offering the plan under this subsection, the health care</u>
 37 <u>service contractor must offer the small employer the option of</u>
 38 permitting every category of health care provider to provide health

- 1 services or care for conditions covered by the plan pursuant to RCW 2 48.43.045(1).
 - (2) A health care service contractor offering the plan under subsection (1) of this section must also offer and actively market to the small employer at least one additional health benefit plan.
 - (3) Nothing in this section shall prohibit a health care service contractor from offering, or a purchaser from seeking, health benefit plans with benefits in excess of the health benefit plan offered under subsection (1) of this section. All forms, policies, and contracts shall be submitted for approval to the commissioner, and the rates of any plan offered under this section shall be reasonable in relation to the benefits thereto.
- $((\frac{3}{3}))$ (4) Premium rates for health benefit plans for small 13 employers as defined in this section shall be subject to the following 14 provisions: 15
 - (a) The contractor shall develop its rates based on an adjusted community rate and may only vary the adjusted community rate for:
 - (i) Geographic area;
 - (ii) Family size;
- 20 (iii) Age; and

4

5 6

7

8

9

10 11

12

16

17

18

19

22

26

27

28 29

30

31

32

33

- 21 (iv) Wellness activities.
- (b) The adjustment for age in (a)(iii) of this subsection may not use age brackets smaller than five-year increments, which shall begin 23 24 with age twenty and end with age sixty-five. Employees under the age 25 of twenty shall be treated as those age twenty.
 - (c) The contractor shall be permitted to develop separate rates for individuals age sixty-five or older for coverage for which medicare is the primary payer and coverage for which medicare is not the primary payer. Both rates shall be subject to the requirements of this subsection $((\frac{3}{1}))$
 - (d) The permitted rates for any age group shall be no more than four hundred twenty-five percent of the lowest rate for all age groups on January 1, 1996, four hundred percent on January 1, 1997, and three hundred seventy-five percent on January 1, 2000, and thereafter.
- (e) A discount for wellness activities shall be permitted to 35 36 reflect actuarially justified differences in utilization or cost attributed to such programs. 37

- 1 (f) The rate charged for a health benefit plan offered under this 2 section may not be adjusted more frequently than annually except that 3 the premium may be changed to reflect:
 - (i) Changes to the enrollment of the small employer;

5

10 11

12

13

14

15 16

17

18 19

- (ii) Changes to the family composition of the employee;
- 6 (iii) Changes to the health benefit plan requested by the small 7 employer; or
- 8 (iv) Changes in government requirements affecting the health 9 benefit plan.
 - (g) Rating factors shall produce premiums for identical groups that differ only by the amounts attributable to plan design, with the exception of discounts for health improvement programs.
 - (h) For the purposes of this section, a health benefit plan that contains a restricted network provision shall not be considered similar coverage to a health benefit plan that does not contain such a provision, provided that the restrictions of benefits to network providers result in substantial differences in claims costs. A carrier may develop its rates based on claims costs ((due to network provider reimbursement schedules or type of network)) for a plan. This subsection does not restrict or enhance the portability of benefits as provided in RCW 48.43.015.
- 22 (i) Except for small group health benefit plans that qualify as insurance coverage combined with a health savings account as defined by 23 the United States internal revenue service, adjusted community rates 24 25 established under this section shall pool the medical experience of all groups purchasing coverage. However, annual rate adjustments for each 26 small group health benefit plan may vary by up to plus or minus 27 28 ((four)) eight percentage points from the overall adjustment of a carrier's entire small group pool((, such overall adjustment to be 29 approved by the commissioner, upon a showing by the carrier, certified 30 31 by a member of the American academy of actuaries that: (i) The 32 variation is a result of deductible leverage, benefit design, or provider network characteristics; and (ii) for a rate renewal period, 33 34 the projected weighted average of all small group benefit plans will have a revenue neutral effect on the carrier's small group pool. 35 36 Variations of greater than four percentage points are subject to review by the commissioner, and must be approved or denied within sixty days 37 of submittal)) if certified by a member of the American academy of 38 39 actuaries, that: (i) The variation is a result of deductible leverage,

- 1 benefit design, claims cost trend for the plan, or provider network
- 2 <u>characteristics; and (ii) for a rate renewal period, the projected</u>
- 3 weighted average of all small group benefit plans will have a revenue
- 4 <u>neutral effect on the carrier's small group pool. Variations of</u>
- 5 greater than eight percentage points are subject to review by the
- 6 commissioner, and must be approved or denied within thirty days of
- 7 submittal. A variation that is not denied within **si(xty**)) thirty days
- 8 shall be deemed approved. The commissioner must provide to the carrier
- 9 a detailed actuarial justification for any denial ((within thirty
- 10 days)) at the time of the denial.

12

13 14

15 16

17

18

19

2021

2223

2425

26

27

2829

3031

32

33

34

3536

37

- $((\frac{4}{1}))$ (5) Nothing in this section shall restrict the right of employees to collectively bargain for insurance providing benefits in excess of those provided herein.
- (((5))) <u>(6)</u>(a) Except as provided in this subsection, requirements used by a contractor in determining whether to provide coverage to a small employer shall be applied uniformly among all small employers applying for coverage or receiving coverage from the carrier.
- (b) A contractor shall not require a minimum participation level greater than:
- (i) One hundred percent of eligible employees working for groups with three or less employees; and
- (ii) Seventy-five percent of eligible employees working for groups with more than three employees.
- (c) In applying minimum participation requirements with respect to a small employer, a small employer shall not consider employees or dependents who have similar existing coverage in determining whether the applicable percentage of participation is met.
- (d) A contractor may not increase any requirement for minimum employee participation or modify any requirement for minimum employer contribution applicable to a small employer at any time after the small employer has been accepted for coverage.
- (((6))) (7) A contractor must offer coverage to all eligible employees of a small employer and their dependents. A contractor may not offer coverage to only certain individuals or dependents in a small employer group or to only part of the group. A contractor may not modify a health plan with respect to a small employer or any eligible employee or dependent, through riders, endorsements or otherwise, to restrict or exclude coverage or benefits for specific diseases, medical conditions, or services otherwise covered by the plan.

- Sec. 15. RCW 48.46.066 and 2004 c 244 s 9 are each amended to read as follows:
- 3 $(1)((\frac{1}{2}))$ A health maintenance organization offering any health benefit plan to a small employer, either directly or through an 4 association or member-governed group formed specifically for the 5 6 purpose of purchasing health care, may offer and actively market to the 7 small employer ((a)) no more than one health benefit plan featuring a limited schedule of covered health care services. ((Nothing in this 8 subsection shall preclude a health maintenance organization from 9 offering, or a small employer from purchasing, other health benefit 10 11 plans that may have more comprehensive benefits than those included in the product offered under this subsection. A health maintenance 12 organization offering a health benefit plan under this subsection shall 13 14 clearly disclose all the covered benefits to the small employer in a brochure filed with the commissioner. 15
- (b) A health benefit plan offered under this subsection shall provide coverage for hospital expenses and services rendered by a physician licensed under chapter 18.57 or 18.71 RCW but is not subject to the requirements of RCW 48.46.275, 48.46.280, 48.46.285, 48.46.290, 48.46.350, 48.46.355, 48.46.375, 48.46.440, 48.46.480, 48.46.510, 48.46.520, and 48.46.530.
- (2))) (a) The plan offered under this subsection may be offered 22 with a choice of cost-sharing arrangements, and may, but is not 23 required to, comply with: RCW 48.46.250, 48.46.272 through 48.46.290, 24 48.46.320, 48.46.350, 48.46.375, 48.46.440 through 48.46.460, 25 48.46.480, 48.46.490, 48.46.510, 48.46.520, 48.46.530, 48.46.565, 26 48.46.570, 48.46.575, 48.43.045(1) except as required in (b) of this 27 subsection, 48.43.093, 48.43.115 through 48.43.185, 48.43.515(5), or 28 29 48.42.100.
 - (b) In offering the plan under this subsection, the health maintenance organization must offer the small employer the option of permitting every category of health care provider to provide health services or care for conditions covered by the plan pursuant to RCW 48.43.045(1).
 - (2) A health maintenance organization offering the plan under subsection (1) of this section must also offer and actively market to the small employer at least one additional health benefit plan.
 - (3) Nothing in this section shall prohibit a health maintenance organization from offering, or a purchaser from seeking, health benefit

32

33

34

35

36

37

- 1 plans with benefits in excess of the health benefit plan offered under subsection (1) of this section. All forms, policies, and contracts 2 shall be submitted for approval to the commissioner, and the rates of 3 any plan offered under this section shall be reasonable in relation to 4 the benefits thereto. 5
 - $((\frac{3}{3}))$ (4) Premium rates for health benefit plans for small employers as defined in this section shall be subject to the following provisions:
- (a) The health maintenance organization shall develop its rates based on an adjusted community rate and may only vary the adjusted 11 community rate for:
 - (i) Geographic area;
- (ii) Family size; 13
- (iii) Age; and 14

7

8 9

10

12

20 21

22

23

24 25

26

27

28

29

30

31

32

33

34

- (iv) Wellness activities. 15
- (b) The adjustment for age in (a)(iii) of this subsection may not 16 use age brackets smaller than five-year increments, which shall begin 17 with age twenty and end with age sixty-five. Employees under the age 18 of twenty shall be treated as those age twenty. 19
 - (c) The health maintenance organization shall be permitted to develop separate rates for individuals age sixty-five or older for coverage for which medicare is the primary payer and coverage for which medicare is not the primary payer. Both rates shall be subject to the requirements of this subsection $((\frac{3}{1}))$
 - (d) The permitted rates for any age group shall be no more than four hundred twenty-five percent of the lowest rate for all age groups on January 1, 1996, four hundred percent on January 1, 1997, and three hundred seventy-five percent on January 1, 2000, and thereafter.
 - (e) A discount for wellness activities shall be permitted to reflect actuarially justified differences in utilization or cost attributed to such programs.
 - (f) The rate charged for a health benefit plan offered under this section may not be adjusted more frequently than annually except that the premium may be changed to reflect:
 - (i) Changes to the enrollment of the small employer;
- 36 (ii) Changes to the family composition of the employee;
- (iii) Changes to the health benefit plan requested by the small 37 employer; or 38

1 (iv) Changes in government requirements affecting the health 2 benefit plan.

3

4

5

7

8

9

10 11

12

13

- (g) Rating factors shall produce premiums for identical groups that differ only by the amounts attributable to plan design, with the exception of discounts for health improvement programs.
- (h) For the purposes of this section, a health benefit plan that contains a restricted network provision shall not be considered similar coverage to a health benefit plan that does not contain such a provision, provided that the restrictions of benefits to network providers result in substantial differences in claims costs. A carrier may develop its rates based on claims costs ((due to network provider reimbursement schedules or type of network)) for a plan. This subsection does not restrict or enhance the portability of benefits as provided in RCW 48.43.015.
- (i) Except for small group health benefit plans that qualify as 15 insurance coverage combined with a health savings account as defined by 16 17 the United States internal revenue service, adjusted community rates established under this section shall pool the medical experience of all 18 19 groups purchasing coverage. However, annual rate adjustments for each small group health benefit plan may vary by up to plus or minus 20 21 ((four)) eight percentage points from the overall adjustment of a carrier's entire small group pool((, such overall adjustment to be 22 23 approved by the commissioner, upon a showing by the carrier, certified by a member of the American academy of actuaries that: (i) The 24 25 variation is a result of deductible leverage, benefit design, or 26 provider network characteristics; and (ii) for a rate renewal period, the projected weighted average of all small group benefit plans will 27 28 have a revenue neutral effect on the carrier's small group pool. 29 Variations of greater than four percentage points are subject to review by the commissioner, and must be approved or denied within sixty days 30 31 of submittal)) if certified by a member of the American academy of actuaries, that: (i) The variation is a result of deductible leverage, 32 benefit design, claims cost trend for the plan, or provider network 33 34 characteristics; and (ii) for a rate renewal period, the projected weighted average of all small group benefit plans will have a revenue 35 36 neutral effect on the health maintenance organization's small group pool. Variations of greater than eight percentage points are subject 37 to review by the commissioner, and must be approved or denied within 38 39 thirty days of submittal. A variation that is not denied within

- 1 ((sixty)) thirty days shall be deemed approved. The commissioner must 2 provide to the carrier a detailed actuarial justification for any 3 denial ((within thirty days)) at the time of the denial.
 - $((\frac{4}{}))$ (5) Nothing in this section shall restrict the right of employees to collectively bargain for insurance providing benefits in excess of those provided herein.
 - $((\frac{(5)}{(5)}))$ (6) (a) Except as provided in this subsection, requirements used by a health maintenance organization in determining whether to provide coverage to a small employer shall be applied uniformly among all small employers applying for coverage or receiving coverage from the carrier.
- 12 (b) A health maintenance organization shall not require a minimum participation level greater than:
- 14 (i) One hundred percent of eligible employees working for groups 15 with three or less employees; and
- 16 (ii) Seventy-five percent of eligible employees working for groups 17 with more than three employees.
 - (c) In applying minimum participation requirements with respect to a small employer, a small employer shall not consider employees or dependents who have similar existing coverage in determining whether the applicable percentage of participation is met.
 - (d) A health maintenance organization may not increase any requirement for minimum employee participation or modify any requirement for minimum employer contribution applicable to a small employer at any time after the small employer has been accepted for coverage.
 - (((6))) (7) A health maintenance organization must offer coverage to all eligible employees of a small employer and their dependents. A health maintenance organization may not offer coverage to only certain individuals or dependents in a small employer group or to only part of the group. A health maintenance organization may not modify a health plan with respect to a small employer or any eligible employee or dependent, through riders, endorsements or otherwise, to restrict or exclude coverage or benefits for specific diseases, medical conditions, or services otherwise covered by the plan."
- Renumber the sections consecutively and correct any internal references accordingly.

5

6 7

8

9

10

11

18

19

2021

22

23

2425

26

27

28

29

3031

32

33

34

1 <u>E2SHB 2572</u> - S AMD TO S AMD 218 (2572-S2.E KEIS SEIB 001) **296**2 By Senator Parlette

3

On page 1, line 2 of the title, after "RCW;", strike the remainder of the title and insert "amending RCW 48.21.045, RCW 48.44.023, and 48.46.066; and creating a new section."

ADOPTED 3/1/2006

--- END ---

EFFECT: Allows health carriers to offer health plans with a limited set of benefits. Exempts small benefit health plans that qualify as insurance coverage combined with a health savings account as defined by United States internal revenue service from being pooled with the medical experience of all groups purchasing coverage.