

ESB 5274 - H COMM AMD
By Committee on Appropriations

NOT CONSIDERED 04/12/2019

1 Strike everything after the enacting clause and insert the
2 following:

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

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

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

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

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

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

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

30 The definitions in this section apply throughout this chapter
31 unless the context clearly requires otherwise.

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

3 (2) "Affordable care act" means the federal patient protection
4 and affordable care act, P.L. 111-148, as amended by the federal
5 health care and education reconciliation act of 2010, P.L. 111-152,
6 or federal regulations or guidance issued under the affordable care
7 act.

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

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

10 (a) The Republic of the Marshall Islands;

11 (b) The Federated States of Micronesia; or

12 (c) The Republic of Palau.

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

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

18 (7) "In-network provider" means a health care provider or group
19 of providers that directly contracts with an insurer to provide
20 health benefits covered by a health benefit plan offered by an
21 insurer.

22 (8) "Open enrollment period" means the period during which a
23 person may enroll in a qualified health plan or qualified dental
24 plan.

25 (9) "Out-of-pocket costs" means copayments, coinsurance,
26 deductibles, and other cost-sharing requirements imposed under a
27 qualified health plan or qualified dental plan for services,
28 pharmaceuticals, devices, and other health benefits that are covered
29 by the plan and rendered by in-network providers.

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

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

35 (12) "Qualified health plan" means a health benefit plan sold
36 through the health benefit exchange.

37 ~~((12))~~ (13) "Resident" means a person who is domiciled in this
38 state.

39 ~~((13))~~ (14) "Special enrollment period" means a period during
40 which a person who has not done so during the open enrollment period

1 may enroll in a qualified health plan or qualified dental plan
2 through the exchange if the person meets specified requirements.

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

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

8 (1) An individual is eligible for the COFA premium assistance
9 program if the individual:

- 10 (a) Is a resident;
- 11 (b) Is a COFA citizen;
- 12 (c) Enrolls in a silver qualified health plan;
- 13 (d) Has income that is less than one hundred thirty-three percent
14 of the federal poverty level; and
- 15 (e) Is ineligible for a federal or state medical assistance
16 program administered by the authority under chapter 74.09 RCW.

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

22 (3) The authority may disqualify a participant from the program
23 if the participant:

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

36 (4) The authority shall establish:

- 37 (a) Application, enrollment, and renewal processes for the COFA
38 premium assistance program;

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

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

6 (d) Open enrollment periods and special enrollment periods
7 consistent with the enrollment periods for the health ((insurance
8 [health benefit])) benefit exchange(;~~and~~

9 ~~(e) A comprehensive community education and outreach campaign,
10 working with stakeholder and community organizations, to facilitate
11 applications for, and enrollment in, the program. Subject to the
12 availability of amounts appropriated for this specific purpose, the
13 education and outreach program shall provide culturally and
14 linguistically accessible information to facilitate participation in
15 the program, including but not limited to enrollment procedures,
16 benefit utilization, and patient responsibilities.~~

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

19 ((~~6~~)) (5) The first open enrollment period for the COFA premium
20 assistance program must begin no later than November 1, 2018.

21 NEW SECTION. Sec. 4. A new section is added to chapter 43.71A
22 RCW to read as follows:

23 The authority, in consultation with the Washington state
24 commission on Asian Pacific American affairs, shall establish an
25 annual comprehensive community education and outreach program to COFA
26 citizens, including contracting with a Washington organization that
27 has multilingual language capacity, and working with stakeholder and
28 community organizations, to facilitate applications for, and
29 enrollment in, the COFA premium assistance and dental care programs.
30 Subject to the availability of amounts appropriated for this specific
31 purpose, the education and outreach program shall provide culturally
32 and linguistically accessible information to facilitate participation
33 in the programs, including but not limited to enrollment procedures,
34 benefit utilization, and patient responsibilities.

35 NEW SECTION. Sec. 5. A new section is added to chapter 43.71A
36 RCW to read as follows:

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

4 (a) Is a resident;

5 (b) Is a COFA citizen;

6 (c) Enrolls in a qualified dental plan;

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

9 (e) Is enrolled in medicare coverage under Title XVIII of the
10 social security act (42 U.S.C. Sec. 1395 et seq., as amended).

11 (2) Subject to the availability of amounts appropriated for this
12 specific purpose, the authority shall pay the premium cost for a
13 qualified dental plan and the total cost of care for an individual
14 who is eligible for the COFA islander dental care program under
15 subsection (1) of this section.

16 (3) The authority may disqualify a participant from the program
17 if the participant:

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

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

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

25 (d) Withdraws the participant's application or requests
26 termination of coverage; or

27 (e) Performs an act, practice, or omission that constitutes
28 fraud, and, as a result, an insurer rescinds the participant's policy
29 for the qualified dental plan.

30 (4) The authority shall establish:

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

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

35 (c) Procedural requirements for continued participation in the
36 program, including participant documentation requirements that are
37 necessary for the authority to administer the program; and

38 (d) Open enrollment periods and special enrollment periods
39 consistent with the enrollment periods for the health benefit
40 exchange.

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

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

5 The authority shall appoint an advisory committee that includes,
6 but is not limited to, insurers and representatives of communities of
7 COFA citizens. The committee shall advise the authority in the
8 development, implementation, and operation of the COFA premium
9 assistance and the COFA islander dental care programs established in
10 this chapter. The advisory committee must exist until at least
11 December 31, ~~((2019))~~ 2021. ~~((Subject to the availability of amounts~~
12 ~~appropriated for this specific purpose,))~~ Advisory committee members
13 may be reimbursed for transportation and travel expenses related to
14 serving on the committee, as needed.

15 NEW SECTION. **Sec. 7.** This act is necessary for the immediate
16 preservation of the public peace, health, or safety, or support of
17 the state government and its existing public institutions, and takes
18 effect immediately."

19 Correct the title.

EFFECT: Makes the premium payment and out-of-pocket costs paid by
the Health Care Authority for clients enrolled in the COFA dental
program subject to appropriation. Extends the COFA premium payment
and dental program advisory committee for an additional year.

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