ESHB 1220 - S AMD **242**

5

6 7

8

11

12

13 14

15

16

17

18

19

20

21 22

23

24

By Senators Becker, Zarelli, Hewitt, Schoesler, Ericksen, Benton, King, Baumgartner, Hatfield, Sheldon, Roach, Morton, Tom, Parlette, Carrell, Holmquist Newbry, Fain, Hill, Honeyford, Harper, Stevens, Pflug, Delvin, Litzow, Swecker, Baxter

OUT OF ORDER 04/07/2011

- Strike everything after the enacting clause and insert the 1 2 following:
- "Sec. 1. RCW 48.02.120 and 1985 c 264 s 2 are each amended to read 3 4 as follows:
 - (1) The commissioner shall preserve in permanent form records of his or her proceedings, hearings, investigations, and examinations, and shall file such records in his or her office.
- (2) The records of the commissioner and insurance filings in his or 9 her office shall be open to public inspection, except as otherwise 10 provided by this code.
 - (3) Actuarial formulas, statistics, and assumptions submitted in support of a rate or form filing by an insurer, health care service contractor, or health maintenance organization or submitted to the commissioner upon his or her request shall be withheld from public inspection in order to preserve trade secrets or prevent unfair competition.
 - (4) Except as provided in subsection (5) of this section, for all rate increases for an individual and small group health benefit plan rate filing filed with the office of the insurance commissioner on or after July 1, 2011, the following shall apply:
 - (a) The health carrier must submit part I rate increase summary and part II written explanation of the rate increase as set forth by the centers for medicaid and medicare services at the time of filing; and
 - (b) The commissioner must:
- (i) Make available for public inspection the part I rate increase 25 summary and part II written explanation of the rate increase on the 26 tenth calendar day after the commissioner determines that a rate filing 27 28 is complete and accepts the filing for review through the electronic 29 rate and form filing system;

- (ii) Prepare a standardized rate summary form to explain his or her findings after the rate review process is completed. The commissioner's summary form must be included as part of the rate filing documentation available to the public electronically and shall be made available on the effective date of the filing; and
- (iii) Subject to subsection (3) of this section and 45 C.F.R. Sec. 5.65, make the portions of each rate filing that are open to public inspection available on the effective date of the filing.
- 9 (5) Subsection (4) of this section does not apply to a new individual or small group product filing for a period of one year from 10 the date a new individual or small group product filing is submitted or 11 until the next rate filing for the product, whichever occurs earlier, 12 13 if the commissioner determines that the proposed rate filing is for a new product that is distinct and unique from any of the carrier's 14 currently or previously offered health benefit plans. A carrier must 15 make a written request for a product classification as a new product 16 under this subsection and must receive subsequent written approval by 17 the commissioner for this subsection to apply." 18

ESHB 1220 - S AMD

1

2

3

4

5 6

7

8

By Senators Becker, Zarelli, Hewitt, Schoesler, Ericksen, Benton, King, Baumgartner, Hatfield, Sheldon, Roach, Morton, Tom, Parlette, Carrell, Holmquist Newbry, Fain, Hill, Honeyford, Harper, Stevens, Pflug, Delvin, Litzow, Swecker, Baxter

OUT OF ORDER 04/07/2011

On page 1, line 1 of the title, after "rates;" strike the remainder of the title and insert "and amending RCW 48.02.120."

--- END ---