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**SUBSTITUTE SENATE BILL 5683**

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**State of Washington**

**65th Legislature**

**2018 Regular Session**

**By** Senate Ways & Means (originally sponsored by Senators Saldaña, Kuderer, Cleveland, Hasegawa, Darneille, Hunt, Conway, Keiser, Hobbs, McCoy, and Pedersen)

READ FIRST TIME 01/18/18.

1 AN ACT Relating to health care for Pacific Islanders residing in  
2 Washington under a compact of free association; adding a new chapter  
3 to Title 43 RCW; and declaring an emergency.

4 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

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

6 (a) The compact of free association (COFA) islands, which  
7 consists of the Republic of Palau, the Republic of the Marshall  
8 Islands, and the Federated States of Micronesia, has had a long-  
9 standing relationship with the United States;

10 (b) The relationship between the COFA islands and the United  
11 States includes economic development and a military presence in the  
12 islands;

13 (c) The region served as a testing ground for atmospheric nuclear  
14 weapons between 1946 and 1957, which resulted in past and current  
15 inhabitants being exposed to nuclear fallout;

16 (d) Residents of the COFA islands are allowed to enter the United  
17 States without work permits or visas where they live, study, work,  
18 serve in the military, and pay state and federal taxes, but are  
19 ineligible for federal health programs like medicaid and medicare;  
20 and

1 (e) This ineligibility for federal health programs has  
2 exacerbated barriers to health care access for this population, which  
3 has led to poorer health outcomes and increased, long-term costs on  
4 the health care system as a whole.

5 (2) The legislature therefore intends to increase access to  
6 health care services for COFA islanders residing in Washington by  
7 providing premium and cost-sharing assistance for health coverage  
8 purchased through the health benefit exchange.

9 NEW SECTION. **Sec. 2.** The definitions in this section apply  
10 throughout this chapter unless the context clearly requires  
11 otherwise.

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

14 (2) "Affordable care act" means the federal patient protection  
15 and affordable care act, P.L. 111-148, as amended by the federal  
16 health care and education reconciliation act of 2010, P.L. 111-152,  
17 or federal regulations or guidance issued under the affordable care  
18 act.

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

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

21 (a) The Republic of the Marshall Islands;

22 (b) The Federated States of Micronesia; or

23 (c) The Republic of Palau.

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

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

29 (7) "In-network provider" means a health care provider or group  
30 of providers that directly contracts with an insurer to provide  
31 health benefits covered by a health benefit plan offered by an  
32 insurer.

33 (8) "Open enrollment period" means the period during which a  
34 person may enroll in a qualified health plan.

35 (9) "Out-of-pocket costs" means copayments, coinsurance,  
36 deductibles, and other cost-sharing requirements imposed under a  
37 qualified health plan for services, pharmaceuticals, devices, and  
38 other health benefits that are covered by the plan and rendered by  
39 in-network providers.

1 (10) "Premium cost" means an individual's premium for a qualified  
2 health plan less the amount of the individual's advance premium tax  
3 credit.

4 (11) "Qualified health plan" means a health benefit plan sold  
5 through the health benefit exchange.

6 (12) "Resident" means a person who is domiciled in this state.

7 (13) "Special enrollment period" means a period during which a  
8 person who has not done so during the open enrollment period may  
9 enroll in a qualified health plan through the exchange if the person  
10 meets specified requirements.

11 NEW SECTION. **Sec. 3.** (1) An individual is eligible for the COFA  
12 premium assistance program if the individual:

13 (a) Is a resident;

14 (b) Is a COFA citizen;

15 (c) Enrolls in a silver qualified health plan;

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

18 (e) Is ineligible for medicaid coverage.

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

24 (3) The authority may disqualify a participant from the program  
25 if the participant:

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

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

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

33 (d) Withdraws the participant's application or requests  
34 termination of coverage; or

35 (e) Performs an act, practice, or omission that constitutes  
36 fraud, and, as a result, an insurer rescinds the participant's policy  
37 for the qualified health plan.

38 (4) The authority shall establish:

1 (a) Application, enrollment, and renewal processes for the COFA  
2 premium assistance program;

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

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

8 (d) Open enrollment periods and special enrollment periods  
9 consistent with the enrollment periods for the health insurance  
10 exchange; and

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

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

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

23 NEW SECTION. **Sec. 4.** The authority shall appoint an advisory  
24 committee that includes, but is not limited to, insurers and  
25 representatives of communities of COFA citizens. The committee shall  
26 advise the authority in the development, implementation, and  
27 operation of the COFA premium assistance program established in this  
28 chapter. The advisory committee must exist until at least December  
29 31, 2019. Subject to the availability of amounts appropriated for  
30 this specific purpose, advisory committee members may be reimbursed  
31 for transportation and travel expenses related to serving on the  
32 committee, as needed.

33 NEW SECTION. **Sec. 5.** No later than December 31, 2019, the  
34 authority shall report to the governor and the legislature on the  
35 implementation of the COFA premium assistance program established  
36 under this chapter including, but not limited to:

37 (1) The number of individuals participating in the program;

38 (2) The actual costs of the program compared to predicted costs;

1 (3) The results of the community education and outreach campaign;  
2 and  
3 (4) Funding needed to continue the program through the end of the  
4 biennium.

5 NEW SECTION. **Sec. 6.** This act is necessary for the immediate  
6 preservation of the public peace, health, or safety, or support of  
7 the state government and its existing public institutions, and takes  
8 effect immediately.

9 NEW SECTION. **Sec. 7.** Sections 1 through 6 of this act  
10 constitute a new chapter in Title 43 RCW.

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