

SHB 2554 - S COMM AMD

By Committee on Health & Long Term Care

ADOPTED 03/05/2020

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

3 "NEW SECTION. **Sec. 1.** A new section is added to chapter 48.43
4 RCW to read as follows:

5 (1) A health carrier that excludes, under state or federal law,
6 any benefit required or mandated by this title or rules adopted by
7 the commissioner from any health plan or student health plan shall:

8 (a) Notify each enrollee in writing of the following:

9 (i) Which benefits the health plan or student health plan does
10 not cover; and

11 (ii) Alternate ways in which the enrollees may access excluded
12 benefits in a timely manner;

13 (b) Ensure that enrollees have prompt access to the information
14 required under this subsection; and

15 (c) Clearly and legibly include the information specified in
16 (a)(i) and (ii) of this subsection in any of its marketing materials
17 that include a list of benefits covered under the plan. The
18 information must also be listed in the benefit booklet and posted on
19 the carrier's health plan or student health plan web site.

20 (2) For the purpose of mitigating inequity in the health
21 insurance market, unless waived by the commissioner pursuant to (c)
22 of this subsection, the commissioner must assess a fee on any health
23 carrier offering a health plan or student health plan if the health
24 plan or student health plan excludes, under state or federal law, any
25 essential health benefit or coverage that is otherwise required or
26 mandated by this title or rules adopted by the commissioner.

27 (a) The commissioner shall set the fee in an amount that is the
28 actuarial equivalent of costs attributed to the provision and
29 administration of the excluded benefit. As part of its rate filing, a
30 health carrier subject to this subsection (2) must submit to the
31 commissioner an estimate of the amount of the fee, including

1 supporting documentation of its methods for estimating the fee. The
2 carrier must include in its supporting documentation a certification
3 by a member of the American academy of actuaries that the estimated
4 fee is the actuarial equivalent of costs attributed to the provision
5 and administration of the excluded benefit.

6 (b) Fees paid under this section must be deposited into the
7 general fund.

8 (c) The commissioner may waive the fee assessed under this
9 subsection (2) if he or she finds that the carrier excluding a
10 mandated benefit for a health plan or student health plan provides
11 health plan enrollees or student health plan enrollees alternative
12 access to all excluded mandated benefits.

13 (3) Beginning July 1, 2021, the commissioner shall provide on its
14 web site written notice of the carrier requirements in this section
15 and information on alternate ways in which enrollees may access
16 excluded benefits in a timely manner.

17 (4) Nothing in this section limits the authority of the
18 commissioner to take enforcement action if a health carrier
19 unlawfully fails to comply with the provisions of this title.

20 (5) The commissioner shall adopt any rules necessary to implement
21 this section.

22 NEW SECTION. **Sec. 2.** A new section is added to chapter 43.71
23 RCW to read as follows:

24 (1) Beginning November 1, 2021, the exchange shall provide
25 individuals seeking to enroll in coverage on its web site with access
26 to the information a health carrier must provide under section 1 of
27 this act for any qualified health plan the health carrier offers that
28 excludes, under state or federal law, any benefit required or
29 mandated by Title 48 RCW or rules adopted by the commissioner.

30 (2) The exchange may provide the access required under this
31 section directly on its web site, through a link to an external web
32 site, or in any other manner that allows consumers to easily access
33 the information.

34 NEW SECTION. **Sec. 3.** If any provision of this act or its
35 application to any person or circumstance is held invalid, the
36 remainder of the act or the application of the provision to other
37 persons or circumstances is not affected."

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1 On page 1, line 2 of the title, after "benefits;" strike the
2 remainder of the title and insert "adding a new section to chapter
3 48.43 RCW; and adding a new section to chapter 43.71 RCW."

EFFECT: (1) Requires, instead of permitting, the insurance commissioner to assess a fee on a health carrier that excludes certain mandatory health benefits.

(2) Permits the insurance commissioner to waive the fee on a health carrier if the commissioner finds the carrier provides alternative access to all excluded mandatory benefits.

(3) Requires the commissioner to provide information on its website, including alternate ways in which enrollees may access excluded benefits.

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