

CERTIFICATION OF ENROLLMENT

ENGROSSED SENATE BILL 5274

Chapter 311, Laws of 2019

(partial veto)

66th Legislature
2019 Regular Session

PACIFIC ISLANDER DENTAL COVERAGE

EFFECTIVE DATE: July 28, 2019

Passed by the Senate April 25, 2019
Yeas 48 Nays 0

CYRUS HABIB

President of the Senate

Passed by the House April 12, 2019
Yeas 59 Nays 36

FRANK CHOPP

Speaker of the House of Representatives

Approved May 8, 2019 4:01 PM with the
exception of section 6, which is
vetoed.

JAY INSLEE

Governor of the State of Washington

CERTIFICATE

I, Brad Hendrickson, Secretary of
the Senate of the State of
Washington, do hereby certify that
the attached is **ENGROSSED SENATE
BILL 5274** as passed by the Senate
and the House of Representatives on
the dates hereon set forth.

BRAD HENDRICKSON

Secretary

FILED

May 13, 2019

**Secretary of State
State of Washington**

ENGROSSED SENATE BILL 5274

AS AMENDED BY THE HOUSE

Passed Legislature - 2019 Regular Session

State of Washington 66th Legislature 2019 Regular Session

By Senators Hasegawa, Hunt, Wilson, C., Billig, Nguyen, Conway, Das, Frockt, Keiser, Randall, and Saldaña

Read first time 01/16/19. Referred to Committee on Health & Long Term Care.

1 AN ACT Relating to dental coverage for Pacific islanders residing
2 in Washington; amending RCW 43.71A.020 and 43.71A.800; adding a new
3 section to chapter 43.71A RCW; adding a new section to chapter 74.09
4 RCW; creating a new section; and declaring an emergency.

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

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

7 (a) The legislature recognized the important relationship between
8 the citizens of the compact of free association (COFA) nations and
9 the United States by enacting the COFA premium assistance program in
10 2018 to pay for premiums and out-of-pocket expenses for COFA citizens
11 who purchase qualifying health coverage;

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

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

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

5 (2) The legislature therefore intends to increase access to
6 dental services for COFA islanders residing in Washington by
7 establishing a dental services program that provides dental coverage
8 to income-eligible members of this population.

9 **Sec. 2.** RCW 43.71A.020 and 2018 c 161 s 3 are each amended to
10 read as follows:

11 (1) An individual is eligible for the COFA premium assistance
12 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 a federal or state medical assistance
19 program administered by the authority under chapter 74.09 RCW.

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

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

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

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

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

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

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

39 (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; and

8 (d) Open enrollment periods and special enrollment periods
9 consistent with the enrollment periods for the health ((insurance
10 [health benefit])) benefit 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)) (5) The first open enrollment period for the COFA premium
22 assistance program must begin no later than November 1, 2018.

23 NEW SECTION. **Sec. 3.** A new section is added to chapter 43.71A
24 RCW to read as follows:

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

37 NEW SECTION. **Sec. 4.** A new section is added to chapter 74.09
38 RCW to read as follows:

1 (1) The COFA islander dental care program is established to
2 provide dental services to COFA citizens who meet the requirements in
3 subsection (2) of this section. The authority shall begin
4 administering this program by January 1, 2020.

5 (2) Subject to the availability of amounts appropriated for this
6 specific purpose, the program shall provide dental services as
7 covered under RCW 74.09.520 to an individual who is eligible for the
8 COFA premium assistance program under RCW 43.71A.020, or:

9 (a) Is a resident;

10 (b) Is a COFA citizen;

11 (c) Has income that is less than one hundred thirty-three percent
12 of the federal poverty level; and

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

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

17 (a) No longer meets the eligibility criteria in subsection (2) of
18 this section;

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

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

24 (d) Withdraws the participant's application or requests
25 termination of coverage.

26 (4) The authority shall establish:

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

29 (b) Procedural requirements for continued participation in the
30 program, including participant documentation requirements that are
31 necessary for the authority to administer the program.

32 (5) For the purposes of this section, "COFA citizen" has the same
33 meaning as in RCW 43.71A.010.

34 **Sec. 5.** RCW 43.71A.800 and 2018 c 161 s 4 are each amended to
35 read as follows:

36 The authority shall appoint an advisory committee that includes,
37 but is not limited to, insurers and representatives of communities of
38 COFA citizens. The committee shall advise the authority in the
39 development, implementation, and operation of the COFA premium

1 assistance program established in this chapter and the COFA islander
2 dental care program established in section 4 of this act. The
3 advisory committee must exist until at least December 31, ((2019))
4 2021. ((Subject to the availability of amounts appropriated for this
5 ~~specific purpose,~~) Advisory committee members may be reimbursed for
6 transportation and travel expenses related to serving on the
7 committee, as needed.

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

****Sec. 6 was vetoed. See message at end of chapter.***

Passed by the Senate April 25, 2019.

Passed by the House April 12, 2019.

Approved by the Governor May 8, 2019, with the exception of certain items that were vetoed.

Filed in Office of Secretary of State May 13, 2019.

Note: Governor's explanation of partial veto is as follows:

"I am returning herewith, without my approval as to Section 6, Engrossed Senate Bill No. 5274 entitled:

"AN ACT Relating to dental coverage for Pacific islanders residing in Washington."

I am vetoing section 6 because it is an unnecessary emergency clause. This veto will not disturb the substantive provisions of this bill, but will avoid confusion about the start date of the dental program. The dental program is funded to begin January 1, 2021, and outreach and engagement communications will begin 90 days from today under the normal enactment period of the bill.

For these reasons I have vetoed Section 6 of Engrossed Senate Bill No. 5274.

With the exception of Section 6, Engrossed Senate Bill No. 5274 is approved."

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