

SENATE BILL REPORT

SB 6210

As of January 21, 2026

Title: An act relating to safeguarding access and affordability for exchange customers through the health plan certification process.

Brief Description: Concerning the health plan certification process.

Sponsors: Senators Slatter, Nobles and Saldaña.

Brief History:

Committee Activity: Health & Long-Term Care: 1/22/26.

Brief Summary of Bill

- Permits the Health Benefit Exchange to develop market factor criteria as an additional criteria for carriers to meet as part of the health plan certification process.

SENATE COMMITTEE ON HEALTH & LONG-TERM CARE

Staff: Greg Attanasio (786-7410)

Background: Through Washington's Health Benefit Exchange (Exchange), individuals may compare and purchase qualified health plans (QHPs) and access premium subsidies and cost-sharing reductions. Qualified health plans are offered in the following actuarial value tiers:

- bronze—60 percent actuarial value;
- silver—70 percent actuarial value; and
- gold—80 percent actuarial value.

High-deductible catastrophic plans may also be offered on the Exchange.

The Exchange annually certifies QHPs and only those health plans certified or recertified by

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the Exchange may be offered as QHPs through the Exchange. Under federal law, a QHP must meet all federal requirements and any provisions imposed by the Exchange, or a state in connection with its Exchange, that are conditions of participation or certification. As part of the certification process, carriers must submit plans and supporting documentation as required to demonstrate compliance with each of the 19 certification criterion. Each criterion is reviewed and approved by the Office of the Insurance Commissioner (OIC), the Exchange, or both.

Summary of Bill: Each year, after QHPs have been certified to be offered on the exchange market for the following plan year, the Exchange shall review market conditions and identify access and affordability issues in the Exchange market that impact the next plan year for which plans have not been certified. Following the review, the Exchange may adopt market factor certification criteria for the next plan year to address market conditions that impact access to and affordability of health plans for individuals or employers who are eligible to purchase coverage on the Exchange. When developing the criteria, the Exchange may consider whether health plans available in each county are:

- meaningfully different with respect to a combination of or all of these measures, as determined by the Exchange:
 1. cost-sharing;
 2. covered benefits;
 3. premiums;
 4. provider networks; or
 5. quality;
- offered by more than one carrier;
- maximizing federal premium tax credits;
- efficiently utilizing state premium assistance and other state investments; and
- offered at each metal level required by the exchange.

Market factor certification criteria shall be developed in consultation with OIC and the Health Care Authority, and the Exchange shall consider comments from carriers, federally recognized tribes, and other health care stakeholders.

For plan year 2028 and later, market factor certification criteria shall be developed in accordance with the following timeline:

- by December 15th of the calendar year two years before the plan year in which the market factor certification criteria are to apply, the Exchange shall identify preliminary criteria and provide those criteria to OIC and the Governor;
- by January 15th of the calendar year before the plan year in which the market factor certification criteria are to apply, OIC and the Governor may submit written objections to any of the preliminary criteria and the Exchange must submit a written response to those objections by January 31st;
- by January 31st of the calendar year before the plan year in which the market factor certification criteria are to apply, the Exchange shall publish the notice of the proposed market factor certification criteria on its website and distribute the notice

electronically to any person requesting the notice. The notice shall include:

1. an explanation of the proposed market factor certification criteria;
 2. the time, date, and place for a public hearing; and
 3. the procedures and timelines for submitting written comments and supporting information;
- no later than five business days before the publication of the final market factor certification criteria, the Exchange shall hold at least one public hearing;
 - by March 1st of the calendar year before the plan year in which the market factor certification criteria are to apply, the Exchange shall provide written notice of the final market factor certification criteria to carriers that offer plans on the Exchange and publish the criteria on its website; and
 - after March 1st of the calendar year before the plan year in which the market factor certification criteria are to apply, the Exchange may only modify the market factor certification criteria as necessary to respond to any applicable changes to state or federal laws or regulations. Any modification that impacts a carrier's preliminary health plan filings is only in effect if agreed to by OIC.

For plan year 2027, market factor certification criteria shall be developed in accordance with procedures established by the Exchange.

The Exchange may require a carrier that is intending to offer health plans on the Exchange to submit information, including the carrier's proposed service areas, proposed plan offerings and rates, and how the carrier intends to meet the market factor certification criteria.

A carrier may request a waiver of the market factor certification criteria. In evaluating a request for a waiver, the exchange may:

- review information that demonstrates the carrier attempted to meet the market factor certification criteria, such as information that the carrier made a good faith effort to contract with providers to establish an adequate network, the cost of the potential provider network, impact on premiums, legal prohibitions, or other barriers that impact the carrier's ability to offer coverage in certain service areas, and any impact on other service areas;
- request that the carrier submit information about service areas and rates that would be in place with the market factor certification criteria and if the waiver was granted; and
- consider the totality of the proposed health plans and the impact of granting or not granting the waiver on the interests of Washington State residents.

The exchange shall conclude any waiver determinations from any carrier that has requested a waiver prior to the carrier submitting preliminary health plan filings for the upcoming plan year to OIC.

Market factor certification criteria may not directly impose network participation requirements or reimbursement limits on hospitals or providers except as otherwise required

by federal or state laws.

Any information and data submitted by a carrier under this act is confidential and not subject to public disclosure.

Appropriation: None.

Fiscal Note: Requested on January 16, 2026.

Creates Committee/Commission/Task Force that includes Legislative members: No.

Effective Date: The bill contains an emergency clause and takes effect immediately.