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**ENGROSSED SENATE BILL 5274**

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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

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

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

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

(1) An individual is eligible for the COFA premium assistance program if the individual:

- (a) Is a resident;
- (b) Is a COFA citizen;
- (c) Enrolls in a silver qualified health plan;
- (d) Has income that is less than one hundred thirty-three percent of the federal poverty level; and

(e) Is ineligible for a federal or state medical assistance program administered by the authority under chapter 74.09 RCW.

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

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

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

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

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

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

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

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

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

(a) Is a resident;

(b) Is a COFA citizen;

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

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

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

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

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

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

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

(4) The authority shall establish:

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

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

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

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

The authority shall appoint an advisory committee that includes, but is not limited to, insurers and representatives of communities of COFA citizens. The committee shall advise the authority in the 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.

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