
SECOND SUBSTITUTE SENATE BILL 6400

State of Washington

66th Legislature

2020 Regular Session

By Senate Ways & Means (originally sponsored by Senators Randall, Cleveland, Keiser, Kuderer, Wilson, C., Hunt, Van De Wege, Dhingra, Das, Lovelett, Nguyen, Conway, and Saldaña)

READ FIRST TIME 02/11/20.

1 AN ACT Relating to mitigating inequity in the health insurance
2 market caused by health plans that exclude certain mandated benefits;
3 adding a new section to chapter 48.43 RCW; and adding a new section
4 to chapter 43.71 RCW.

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

6 NEW SECTION. **Sec. 1.** A new section is added to chapter 48.43
7 RCW to read as follows:

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

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

12 (i) Which benefits the health plan or student health plan does
13 not cover; and

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

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

18 (c) Clearly and legibly include the information specified in
19 (a)(i) and (ii) of this subsection in any of its marketing materials
20 that include a list of benefits covered under the plan. The

1 information must also be listed in the benefit booklet and posted on
2 the carrier's health plan or student health plan web site.

3 (2) For the purpose of mitigating inequity in the health
4 insurance market, unless waived by the commissioner pursuant to (c)
5 of this subsection, the commissioner must assess a fee on any health
6 carrier offering a health plan or student health plan if the health
7 plan or student health plan excludes, under state or federal law, any
8 essential health benefit or coverage that is otherwise required or
9 mandated by this title or rules adopted by the commissioner.

10 (a) The commissioner shall set the fee in an amount that is the
11 actuarial equivalent of costs attributed to the provision and
12 administration of the excluded benefit. As part of its rate filing, a
13 health carrier subject to this subsection (2) must submit to the
14 commissioner an estimate of the amount of the fee, including
15 supporting documentation of its methods for estimating the fee. The
16 carrier must include in its supporting documentation a certification
17 by a member of the American academy of actuaries that the estimated
18 fee is the actuarial equivalent of costs attributed to the provision
19 and administration of the excluded benefit.

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

22 (c) The commissioner may waive the fee assessed under this
23 subsection (2) if he or she finds that the carrier excluding a
24 mandated benefit for a health plan or student health plan provides
25 health plan enrollees or student health plan enrollees alternative
26 access to all excluded mandated benefits.

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

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

34 (5) The commissioner shall adopt any rules necessary to implement
35 this section.

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

38 (1) Beginning November 1, 2021, the exchange shall provide
39 individuals seeking to enroll in coverage on its web site with access

1 to the information a health carrier must provide under section 1 of
2 this act for any qualified health plan the health carrier offers that
3 excludes, under state or federal law, any benefit required or
4 mandated by Title 48 RCW or rules adopted by the commissioner.

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

9 NEW SECTION. **Sec. 3.** If any provision of this act or its
10 application to any person or circumstance is held invalid, the
11 remainder of the act or the application of the provision to other
12 persons or circumstances is not affected.

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