
SECOND SUBSTITUTE HOUSE BILL 1291

State of Washington

65th Legislature

2018 Regular Session

By House Appropriations (originally sponsored by Representatives Santos, Jinkins, Fey, Robinson, Fitzgibbon, Stanford, Ormsby, and Riccelli)

1 AN ACT Relating to health care for Pacific Islanders residing in
2 Washington under a compact of free association; adding a new chapter
3 to Title 43 RCW; creating new sections; and declaring an emergency.

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

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

6 (a) The compact of free association (COFA) islands, which
7 consists of the Republic of Palau, the Republic of the Marshall
8 Islands, and the Federated States of Micronesia, has had a long-
9 standing relationship with the United States;

10 (b) The relationship between the COFA islands and the United
11 States includes economic development and a military presence in the
12 islands;

13 (c) The region served as a testing ground for atmospheric nuclear
14 weapons between 1946 and 1957, which resulted in past and current
15 inhabitants being exposed to nuclear fallout;

16 (d) Residents of the COFA islands are allowed to enter the United
17 States without work permits or visas where they live, study, work,
18 serve in the military, and pay state and federal taxes, but are
19 ineligible for federal health programs like medicaid and medicare;
20 and

1 (e) This ineligibility for federal health programs has
2 exacerbated barriers to health care access for this population, which
3 has led to poorer health outcomes and increased, long-term costs on
4 the health care system as a whole.

5 (2) The legislature therefore intends to increase access to
6 health care services for COFA islanders residing in Washington by
7 providing premium assistance for health coverage purchased through
8 the health benefit exchange.

9 NEW SECTION. **Sec. 2.** The definitions in this section apply
10 throughout this chapter unless the context clearly requires
11 otherwise.

12 (1) "Advance premium tax credit" means the premium assistance
13 amount determined in accordance with the affordable care act.

14 (2) "Affordable care act" means the federal patient protection
15 and affordable care act, P.L. 111-148, as amended by the federal
16 health care and education reconciliation act of 2010, P.L. 111-152,
17 or federal regulations or guidance issued under the affordable care
18 act.

19 (3) "Authority" means the Washington state health care authority.

20 (4) "COFA citizen" means a person who is a citizen of:

21 (a) The Republic of the Marshall Islands;

22 (b) The Federated States of Micronesia; or

23 (c) The Republic of Palau.

24 (5) "Health benefit exchange" or "exchange" means the Washington
25 health benefit exchange established in chapter 43.71 RCW.

26 (6) "Income" means the modified adjusted gross income attributed
27 to an individual for purposes of determining his or her eligibility
28 for advance premium tax credits.

29 (7) "In-network provider" means a health care provider or group
30 of providers that directly contracts with an insurer to provide
31 health benefits covered by a health benefit plan offered by an
32 insurer.

33 (8) "Open enrollment period" means the period during which a
34 person may enroll in a qualified health plan.

35 (9) "Premium cost" means an individual's premium for a qualified
36 health plan less the amount of the individual's advance premium tax
37 credit.

38 (10) "Qualified health plan" means a health benefit plan sold
39 through the health benefit exchange.

1 (11) "Resident" means a person who is domiciled in this state.

2 (12) "Special enrollment period" means a period during which a
3 person who has not done so during the open enrollment period may
4 enroll in a qualified health plan through the exchange if the person
5 meets specified requirements.

6 NEW SECTION. **Sec. 3.** (1) An individual is eligible for the COFA
7 premium assistance program if the individual:

8 (a) Is a resident;

9 (b) Is a COFA citizen;

10 (c) Enrolls in a silver qualified health plan;

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

13 (e) Is ineligible for a federal or state medical program.

14 (2) Within amounts appropriated for the specific purpose, the
15 authority shall pay the premium cost for a qualified health plan for
16 an individual who is eligible for the premium assistance program
17 under subsection (1) of this section.

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

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

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

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

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

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

32 (4) The authority shall establish:

33 (a) Application, enrollment, and renewal processes for the COFA
34 premium assistance program;

35 (b) The qualified health plans that are eligible for
36 reimbursement under the program;

37 (c) Procedural requirements for continued participation in the
38 program, including participant documentation requirements that are
39 necessary for the authority to administer the program;

1 (d) Open enrollment periods and special enrollment periods
2 consistent with the enrollment periods for the health insurance
3 exchange; and

4 (e) A comprehensive community education and outreach campaign,
5 working with stakeholder and community organizations, to facilitate
6 applications for, and enrollment in, the program. Within existing
7 resources, the outreach and education program shall provide
8 culturally and linguistically accessible information to facilitate
9 participation in the program, including, but not limited to, benefit
10 utilization, and patient responsibilities.

11 (5) The community education and outreach campaign conducted by
12 the authority must begin no later than September 1, 2018.

13 (6) The first open enrollment period for the COFA premium
14 assistance program must begin no later than November 1, 2018.

15 NEW SECTION. **Sec. 4.** The authority shall appoint an advisory
16 committee that includes, but is not limited to, insurers and
17 representatives of communities of COFA citizens. The committee shall
18 advise the authority in the development, implementation, and
19 operation of the COFA premium assistance program established in this
20 chapter.

21 The committee may be dissolved after December 31, 2019. Within
22 existing resources, members may be reimbursed for travel expenses as
23 provided in RCW 43.03.050 and 43.03.060.

24 NEW SECTION. **Sec. 5.** No later than December 31, 2019, the
25 authority shall report to the governor and the legislature on the
26 implementation of the COFA premium assistance program established
27 under this chapter including, but not limited to:

- 28 (1) The number of individuals participating in the program;
29 (2) The actual costs of the program compared to predicted costs;
30 (3) The results of the community education and outreach campaign;
31 and
32 (4) Funding needed to continue the program through the end of the
33 biennium.

34 NEW SECTION. **Sec. 6.** Sections 2 through 5 of this act
35 constitute a new chapter in Title 43 RCW.

1 NEW SECTION. **Sec. 7.** This act is necessary for the immediate
2 preservation of the public peace, health, or safety, or support of
3 the state government and its existing public institutions, and takes
4 effect immediately.

5 NEW SECTION. **Sec. 8.** If specific funding for the purposes of
6 this act, referencing this act by bill or chapter number, is not
7 provided by June 30, 2018, in the omnibus operating appropriations
8 act, this act is null and void.

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