

CERTIFICATION OF ENROLLMENT

HOUSE BILL 2332

Chapter 122, Laws of 2016

64th Legislature
2016 Regular Session

HEALTH CARE PROVIDER COMPENSATION--EXHIBITS--CONFIDENTIALITY

EFFECTIVE DATE: 6/9/2016

Passed by the House February 16, 2016
Yeas 97 Nays 0

FRANK CHOPP

Speaker of the House of Representatives

Passed by the Senate March 2, 2016
Yeas 47 Nays 0

BRAD OWEN

President of the Senate

Approved March 31, 2016 4:11 PM

JAY INSLEE

Governor of the State of Washington

CERTIFICATE

I, Barbara Baker, Chief Clerk of the House of Representatives of the State of Washington, do hereby certify that the attached is **HOUSE BILL 2332** as passed by House of Representatives and the Senate on the dates hereon set forth.

BARBARA BAKER

Chief Clerk

FILED

April 1, 2016

**Secretary of State
State of Washington**

HOUSE BILL 2332

Passed Legislature - 2016 Regular Session

State of Washington

64th Legislature

2016 Regular Session

By Representative Kirby; by request of Insurance Commissioner

Prefiled 01/04/16. Read first time 01/11/16. Referred to Committee on Health Care & Wellness.

1 AN ACT Relating to the filing and public disclosure of health
2 care provider compensation; reenacting and amending RCW 42.56.400;
3 reenacting RCW 48.46.243; creating a new section; repealing RCW
4 48.44.070; and repealing 2015 c 122 s 24, 2015 c 17 s 16, and 2013 c
5 277 s 6 (uncodified).

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

7 NEW SECTION. **Sec. 1.** It is the intent of the legislature to
8 allow certain provider compensation exhibits to remain confidential
9 by making permanent the provisions of chapter 277, Laws of 2013,
10 which currently expire July 1, 2017, thereby maintaining efficient
11 review and approval of health care plans by the insurance
12 commissioner and fostering innovation in the Washington health
13 insurance market.

14 NEW SECTION. **Sec. 2.** RCW 48.44.070 (Contracts to be filed with
15 commissioner—Temporary suspension) and 2013 c 277 s 2, 1990 c 120 s
16 9, 1965 c 87 s 2, & 1961 c 197 s 4 are each repealed.

17 **Sec. 3.** RCW 48.46.243 and 2013 c 325 s 2 and 2013 c 277 s 3 are
18 each reenacted to read as follows:

1 (1) Subject to subsection (2) of this section, every contract
2 between a health maintenance organization and its participating
3 providers of health care services shall be in writing and shall set
4 forth that in the event the health maintenance organization fails to
5 pay for health care services as set forth in the agreement, the
6 enrolled participant shall not be liable to the provider for any sums
7 owed by the health maintenance organization. Every such contract
8 shall provide that this requirement shall survive termination of the
9 contract.

10 (2) The provisions of subsection (1) of this section shall not
11 apply:

12 (a) To emergency care from a provider who is not a participating
13 provider;

14 (b) To out-of-area services;

15 (c) To the delivery of covered pediatric oral services that are
16 substantially equal to the essential health benefits benchmark plan;
17 or

18 (d) In exceptional situations approved in advance by the
19 commissioner, if the health maintenance organization is unable to
20 negotiate reasonable and cost-effective participating provider
21 contracts.

22 (3) No participating provider, or insurance producer, trustee, or
23 assignee thereof, may maintain an action against an enrolled
24 participant to collect sums owed by the health maintenance
25 organization.

26 **Sec. 4.** RCW 42.56.400 and 2015 c 122 s 13 and 2015 c 17 s 10 are
27 each reenacted and amended to read as follows:

28 The following information relating to insurance and financial
29 institutions is exempt from disclosure under this chapter:

30 (1) Records maintained by the board of industrial insurance
31 appeals that are related to appeals of crime victims' compensation
32 claims filed with the board under RCW 7.68.110;

33 (2) Information obtained and exempted or withheld from public
34 inspection by the health care authority under RCW 41.05.026, whether
35 retained by the authority, transferred to another state purchased
36 health care program by the authority, or transferred by the authority
37 to a technical review committee created to facilitate the
38 development, acquisition, or implementation of state purchased health
39 care under chapter 41.05 RCW;

1 (3) The names and individual identification data of either all
2 owners or all insureds, or both, received by the insurance
3 commissioner under chapter 48.102 RCW;

4 (4) Information provided under RCW 48.30A.045 through 48.30A.060;

5 (5) Information provided under RCW 48.05.510 through 48.05.535,
6 48.43.200 through 48.43.225, 48.44.530 through 48.44.555, and
7 48.46.600 through 48.46.625;

8 (6) Examination reports and information obtained by the
9 department of financial institutions from banks under RCW 30A.04.075,
10 from savings banks under RCW 32.04.220, from savings and loan
11 associations under RCW 33.04.110, from credit unions under RCW
12 31.12.565, from check cashers and sellers under RCW 31.45.030(3), and
13 from securities brokers and investment advisers under RCW 21.20.100,
14 all of which is confidential and privileged information;

15 (7) Information provided to the insurance commissioner under RCW
16 48.110.040(3);

17 (8) Documents, materials, or information obtained by the
18 insurance commissioner under RCW 48.02.065, all of which are
19 confidential and privileged;

20 (9) Documents, materials, or information obtained by the
21 insurance commissioner under RCW 48.31B.015(2) (l) and (m),
22 48.31B.025, 48.31B.030, and 48.31B.035, all of which are confidential
23 and privileged;

24 (10) Data filed under RCW 48.140.020, 48.140.030, 48.140.050, and
25 7.70.140 that, alone or in combination with any other data, may
26 reveal the identity of a claimant, health care provider, health care
27 facility, insuring entity, or self-insurer involved in a particular
28 claim or a collection of claims. For the purposes of this subsection:

29 (a) "Claimant" has the same meaning as in RCW 48.140.010(2).

30 (b) "Health care facility" has the same meaning as in RCW
31 48.140.010(6).

32 (c) "Health care provider" has the same meaning as in RCW
33 48.140.010(7).

34 (d) "Insuring entity" has the same meaning as in RCW
35 48.140.010(8).

36 (e) "Self-insurer" has the same meaning as in RCW 48.140.010(11);

37 (11) Documents, materials, or information obtained by the
38 insurance commissioner under RCW 48.135.060;

39 (12) Documents, materials, or information obtained by the
40 insurance commissioner under RCW 48.37.060;

1 (13) Confidential and privileged documents obtained or produced
2 by the insurance commissioner and identified in RCW 48.37.080;

3 (14) Documents, materials, or information obtained by the
4 insurance commissioner under RCW 48.37.140;

5 (15) Documents, materials, or information obtained by the
6 insurance commissioner under RCW 48.17.595;

7 (16) Documents, materials, or information obtained by the
8 insurance commissioner under RCW 48.102.051(1) and 48.102.140 (3) and
9 (7)(a)(ii);

10 (17) Documents, materials, or information obtained by the
11 insurance commissioner in the commissioner's capacity as receiver
12 under RCW 48.31.025 and 48.99.017, which are records under the
13 jurisdiction and control of the receivership court. The commissioner
14 is not required to search for, log, produce, or otherwise comply with
15 the public records act for any records that the commissioner obtains
16 under chapters 48.31 and 48.99 RCW in the commissioner's capacity as
17 a receiver, except as directed by the receivership court;

18 (18) Documents, materials, or information obtained by the
19 insurance commissioner under RCW 48.13.151;

20 (19) Data, information, and documents provided by a carrier
21 pursuant to section 1, chapter 172, Laws of 2010;

22 (20) Information in a filing of usage-based insurance about the
23 usage-based component of the rate pursuant to RCW 48.19.040(5)(b);

24 (21) Data, information, and documents, other than those described
25 in RCW 48.02.210(2), that are submitted to the office of the
26 insurance commissioner by an entity providing health care coverage
27 pursuant to RCW 28A.400.275 and 48.02.210;

28 (22) Data, information, and documents obtained by the insurance
29 commissioner under RCW 48.29.017;

30 (23) Information not subject to public inspection or public
31 disclosure under RCW 48.43.730(5); and

32 (~~((23) — [(24)]~~)) (24) Documents, materials, or information
33 obtained by the insurance commissioner under chapter 48.05A RCW.

34 NEW SECTION. **Sec. 5.** The following acts or parts of acts are
35 each repealed:

36 (1) 2015 c 122 s 24 (uncodified);

37 (2) 2015 c 17 s 16 (uncodified); and

38 (3) 2013 c 277 s 6 (uncodified).

Passed by the House February 16, 2016.
Passed by the Senate March 2, 2016.
Approved by the Governor March 31, 2016.
Filed in Office of Secretary of State April 1, 2016.

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