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SENATE BILL 6167

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State of Washington                      64th Legislature                      2016 Regular Session

By Senator Angel; by request of Insurance Commissioner

Prefiled 01/06/16.

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16 9, 1965 c 87 s 2, & 1961 c 197 s 4 are each repealed.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

1 (3) 2013 c 277 s 6 (uncodified).

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