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ENGROSSED SENATE BILL 6458

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AS AMENDED BY THE HOUSE

Passed Legislature - 2014 Regular Session

State of Washington                      63rd Legislature                      2014 Regular Session

By Senators Becker, Angel, Dammeier, Brown, Tom, Schoesler, Bailey, Braun, Hill, Baumgartner, Litzow, Parlette, and Honeyford

Read first time 01/27/14. Referred to Committee on Health Care.

1            AN ACT Relating to the office of the insurance commissioner and  
2 matters related to health care insurance; and amending RCW 48.02.060.

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

4            **Sec. 1.** RCW 48.02.060 and 2010 c 27 s 1 are each amended to read  
5 as follows:

6            (1) The commissioner has the authority expressly conferred upon him  
7 or her by or reasonably implied from the provisions of this code.

8            (2) The commissioner must execute his or her duties and must  
9 enforce the provisions of this code.

10           (3) The commissioner may:

11           (a) Make reasonable rules for effectuating any provision of this  
12 code, except those relating to his or her election, qualifications, or  
13 compensation. Rules are not effective prior to their being filed for  
14 public inspection in the commissioner's office.

15           (b) Conduct investigations to determine whether any person has  
16 violated any provision of this code.

17           (c) Conduct examinations, investigations, hearings, in addition to  
18 those specifically provided for, useful and proper for the efficient  
19 administration of any provision of this code.

1 (4) When the governor proclaims a state of emergency under RCW  
2 43.06.010(12), the commissioner may issue an order that addresses any  
3 or all of the following matters related to insurance policies issued in  
4 this state:

5 (a) Reporting requirements for claims;

6 (b) Grace periods for payment of insurance premiums and performance  
7 of other duties by insureds;

8 (c) Temporary postponement of cancellations and nonrenewals; and

9 (d) Medical coverage to ensure access to care.

10 (5) An order by the commissioner under subsection (4) of this  
11 section may remain effective for not more than sixty days unless the  
12 commissioner extends the termination date for the order for an  
13 additional period of not more than thirty days. The commissioner may  
14 extend the order if, in the commissioner's judgment, the circumstances  
15 warrant an extension. An order of the commissioner under subsection  
16 (4) of this section is not effective after the related state of  
17 emergency is terminated by proclamation of the governor under RCW  
18 43.06.210. The order must specify, by line of insurance:

19 (a) The geographic areas in which the order applies, which must be  
20 within but may be less extensive than the geographic area specified in  
21 the governor's proclamation of a state of emergency and must be  
22 specific according to an appropriate means of delineation, such as the  
23 United States postal service zip codes or other appropriate means; and

24 (b) The date on which the order becomes effective and the date on  
25 which the order terminates.

26 (6) The commissioner may adopt rules that establish general  
27 criteria for orders issued under subsection (4) of this section and may  
28 adopt emergency rules applicable to a specific proclamation of a state  
29 of emergency by the governor.

30 (7) The rule-making authority set forth in subsection (6) of this  
31 section does not limit or affect the rule-making authority otherwise  
32 granted to the commissioner by law.

33 (8) In addition to the requirements of the administrative procedure  
34 act established in chapter 34.05 RCW, the commissioner must provide  
35 notice of proposed rule making on matters related to health care  
36 insurance to the health care committees of the legislature, the health  
37 benefit exchange established under chapter 43.71 RCW, the health care  
38 authority established under chapter 41.05 RCW, and the governor. In

1 the event a dispute arises among the state officials and entities  
2 implementing the federal patient protection and affordable care act,  
3 the governor shall convene a meeting of the following officials and  
4 entities to resolve the dispute:

5 (a) The insurance commissioner;  
6 (b) The health care authority;  
7 (c) The department of health;  
8 (d) The department of social and health services;  
9 (e) The governor's legislative affairs and policy office;  
10 (f) The office of financial management;  
11 (g) The health benefit exchange; and  
12 (h) Any other officials or entities the governor deems appropriate,  
13 including:

14 (i) The department of corrections;  
15 (ii) The department of veterans affairs; and  
16 (iii) The department of labor and industries.  
17 (9) The governor may utilize the governor's health leadership team  
18 established in Executive Order 13-05 as a forum to convene the meeting  
19 required in subsection (8) of this section.

20 (10) The governor shall report the resolution of the meeting to the  
21 appropriate committees of the legislature and the joint select  
22 committee on health care oversight.

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