
HOUSE BILL 2061

State of Washington 63rd Legislature 2013 1st Special Session

By Representatives Harris, Cody, and Hope

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1 AN ACT Relating to carriers operating outside of the exchange but
2 only relating to requiring that carriers offering health benefit plans
3 that meet the definition of bronze level in the individual or small
4 group market must also offer silver and gold level plans as specified
5 in section 1302 of P.L. 111-148 of 2010 and that nongrandfathered
6 individual and small group health plans must conform with the actuarial
7 value tiers specified in section 1302 of P.L. 111-148 of 2010; and
8 amending RCW 48.43.700 and 48.43.705.

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

10 **Sec. 1.** RCW 48.43.700 and 2012 c 87 s 6 are each amended to read
11 as follows:

12 (1) For plan or policy years beginning January 1, 2014, a carrier
13 (~~must offer individual or small group health benefit plans that meet~~
14 ~~the definition of silver and gold level plans in section 1302 of P.L.~~
15 ~~111-148 of 2010, as amended, in any market outside the exchange in~~
16 ~~which it offers a plan that meets the definition of bronze level in~~
17 ~~section 1302 of P.L. 111-148 of 2010, as amended)) offering a health
18 benefit plan that meets the definition of bronze level in section 1302
19 of P.L. 111-148 of 2010, as amended, in the individual market outside~~

1 of the exchange must also offer plans that meet the definition of
2 silver and gold level plans in section 1302 of P.L. 111-148 of 2010, as
3 amended, in the individual market outside of the exchange.

4 (2) For plan or policy years beginning January 1, 2014, a carrier
5 offering a health benefit plan that meets the definition of bronze
6 level in section 1302 of P.L. 111-148 of 2010, as amended, in the small
7 group market outside of the exchange must also offer plans that meet
8 the definition of silver and gold level plans in section 1302 of P.L.
9 111-148 of 2010, as amended, in the small group market outside of the
10 exchange.

11 (3) A health benefit plan meeting the definition of a catastrophic
12 plan in RCW 48.43.005(8)(c)(i) may only be sold through the exchange.

13 ~~((+3))~~ (4) By December 1, 2016, the exchange board, in
14 consultation with the commissioner, must complete a review of the
15 impact of this section on the health and viability of the markets
16 inside and outside the exchange and submit the recommendations to the
17 legislature on whether to maintain the market rules or let them expire.

18 ~~((+4))~~ (5) The commissioner shall evaluate plans offered at each
19 actuarial value defined in section 1302 of P.L. 111-148 of 2010, as
20 amended, and determine whether variation in prescription drug benefit
21 cost-sharing, both inside and outside the exchange in both the
22 individual and small group markets results in adverse selection. If
23 so, the commissioner may adopt rules to assure substantial equivalence
24 of prescription drug cost-sharing.

25 **Sec. 2.** RCW 48.43.705 and 2012 c 87 s 7 are each amended to read
26 as follows:

27 All nongrandfathered individual and small group health plans, other
28 than catastrophic health plans, offered outside of the exchange must
29 conform with the actuarial value tiers specified in section 1302 of
30 P.L. 111-148 of 2010, as amended, as bronze, silver, gold, or platinum.

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