
SENATE BILL 5274

State of Washington

66th Legislature

2019 Regular Session

By Senators Hasegawa, Hunt, Wilson, C., Billig, and Nguyen

1 AN ACT Relating to dental coverage for Pacific islanders residing
2 in Washington; amending RCW 43.71A.010 and 43.71A.800; adding a new
3 section to chapter 43.71A RCW; creating a new section; and declaring
4 an emergency.

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

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

7 (a) The legislature recognized the important relationship between
8 the citizens of the compact of free association (COFA) nations and
9 the United States by enacting the COFA premium assistance program in
10 2018 to pay for premiums and out-of-pocket expenses for COFA citizens
11 who purchase qualifying health coverage;

12 (b) While other Washingtonians who are income-eligible for
13 medicaid receive dental coverage through apple health, individuals
14 enrolled in the COFA premium assistance program do not currently have
15 affordable access to dental coverage;

16 (c) Affordable access to dental care, including preventative
17 care, is critical to treating the whole body health of an individual
18 and preventing systemic health problems such as stroke, heart attack,
19 and diabetes. Poor oral health is also associated with a wide range
20 of hardships including difficulty obtaining employment, work absences
21 due to pain, and decreased productivity; and

1 (d) Research shows that people living in households in which the
2 primary language spoken at home is not English, seniors, people with
3 disabilities, and people who identify as Native Hawaiian or Pacific
4 Islanders are disproportionately impacted by oral health inequities.

5 (2) The legislature therefore intends to increase access to
6 dental services for COFA islanders residing in Washington by
7 establishing a dental services program that provides dental coverage
8 to income-eligible members of this population with no premium or
9 cost-sharing payment requirements.

10 **Sec. 2.** RCW 43.71A.010 and 2018 c 161 s 2 are each amended to
11 read as follows:

12 The definitions in this section apply throughout this chapter
13 unless the context clearly requires otherwise.

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

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

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

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

23 (a) The Republic of the Marshall Islands;

24 (b) The Federated States of Micronesia; or

25 (c) The Republic of Palau.

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

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

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

35 (8) "Open enrollment period" means the period during which a
36 person may enroll in a qualified health plan or qualified dental
37 plan.

38 (9) "Out-of-pocket costs" means copayments, coinsurance,
39 deductibles, and other cost-sharing requirements imposed under a

1 qualified health plan or qualified dental plan for services,
2 pharmaceuticals, devices, and other health benefits that are covered
3 by the plan and rendered by in-network providers.

4 (10) "Premium cost" means an individual's premium for a qualified
5 health plan or qualified dental plan less the amount of the
6 individual's advance premium tax credit.

7 (11) "Qualified dental plan" means a stand-alone dental benefit
8 plan sold through the health benefit exchange.

9 (12) "Qualified health plan" means a health benefit plan sold
10 through the health benefit exchange.

11 ~~((12))~~ (13) "Resident" means a person who is domiciled in this
12 state.

13 ~~((13))~~ (14) "Special enrollment period" means a period during
14 which a person who has not done so during the open enrollment period
15 may enroll in a qualified health plan or qualified dental plan
16 through the exchange if the person meets specified requirements.

17 (15) "Total cost of care" means out-of-pocket costs and other
18 costs for services rendered by in-network dental providers that
19 exceed the qualified dental plan maximum benefit for the plan year.

20 NEW SECTION. Sec. 3. A new section is added to chapter 43.71A
21 RCW to read as follows:

22 (1) An individual is eligible for the COFA islander dental care
23 program if the individual is eligible for the COFA premium assistance
24 program under RCW 43.71A.020, or:

25 (a) Is a resident;

26 (b) Is a COFA citizen;

27 (c) Enrolls in a qualified dental plan;

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

30 (e) Is enrolled in medicare coverage under Title XVIII of the
31 social security act (42 U.S.C. Sec. 1395 et seq., as amended).

32 (2) The authority shall pay the premium cost for a qualified
33 dental plan and the total cost of care for an individual who is
34 eligible for the COFA islander dental care program under subsection
35 (1) of this section.

36 (3) The authority may disqualify a participant from the program
37 if the participant:

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

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

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

6 (d) Withdraws the participant's application or requests
7 termination of coverage; or

8 (e) Performs an act, practice, or omission that constitutes
9 fraud, and, as a result, an insurer rescinds the participant's policy
10 for the qualified dental plan.

11 (4) The authority shall establish:

12 (a) Application, enrollment, and renewal processes for the COFA
13 islander dental care program;

14 (b) The qualified dental plans that are eligible for
15 reimbursement under the program;

16 (c) Procedural requirements for continued participation in the
17 program, including participant documentation requirements that are
18 necessary for the authority to administer the program; and

19 (d) Open enrollment periods and special enrollment periods.

20 (5) The authority shall contract with a Washington organization
21 that has multilingual language capacity to provide a comprehensive
22 community education and outreach campaign to COFA citizens, working
23 with stakeholder and community organizations, to facilitate
24 applications for, and enrollment in, the COFA islander dental care
25 program. The education and outreach program must provide culturally
26 and linguistically accessible information to facilitate participation
27 in the program including, but not limited to, enrollment procedures,
28 benefit utilization, and patient responsibilities. The community
29 education and outreach campaign must begin no later than September 1,
30 2019.

31 (6) The first open enrollment period for the COFA islander dental
32 care program must begin no later than November 1, 2019.

33 **Sec. 4.** RCW 43.71A.800 and 2018 c 161 s 4 are each amended to
34 read as follows:

35 The authority shall appoint an advisory committee that includes,
36 but is not limited to, insurers and representatives of communities of
37 COFA citizens. The committee shall advise the authority in the
38 development, implementation, and operation of the COFA premium
39 assistance and the COFA islander dental care programs established in

1 this chapter. The advisory committee must exist until at least
2 December 31, ((2019)) 2020. ((Subject to the availability of amounts
3 appropriated for this specific purpose,)) Advisory committee members
4 may be reimbursed for transportation and travel expenses related to
5 serving on the committee, as needed.

6 NEW SECTION. **Sec. 5.** This act is necessary for the immediate
7 preservation of the public peace, health, or safety, or support of
8 the state government and its existing public institutions, and takes
9 effect immediately.

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