



# 2023 Legislative Session Summary

Health Equity Technical Advisory Committee  
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# 2023 Legislative Priorities

- **Increase the availability of quality, affordable health coverage in the individual market**
  - Continue state's \$55M annual investment in Cascade Care Savings beyond fiscal year 2024
- **Expand coverage and reduce disparities**
  - Continued support for the launch and implementation of state's new 1332 waiver, including for outreach and community engagement work
  - Continued support for statewide assister network, including an expansion to reach populations who continue to experience disparities in coverage rates and support for additional health literacy efforts (materials development, translations, etc.) to enable people to better understand how to enroll in, use, and pay for their health insurance.
- **Continue focus on Healthplanfinder technology and improved consumer experiences**
  - Support for Washington Healthplanfinder updates and improvements that were delayed last biennium due to our focus on responding to the COVID pandemic and preparing for the launch of Cascade Care Savings.
  - Continued support to ensure Healthplanfinder is a flexible, accessible, and modern system
- **Secure resources needed to operationalize ongoing federal (e.g., Medicaid unwind) and state (e.g., Cascade Care) legislative directives**

# 2023 Exchange Budget

## Secured Requested Funding for Exchange Decision Packages

- Maintaining Funding for Cascade Care Savings
- 1332 Waiver Implementation
- Advancing Health Equity
- Improving the Customer Experience
- Modernizing Healthplanfinder
- Expanding Organizational Capacity

## Secured Requested Technical Corrections

- Medicaid Unwind Fund Shift
- Increased Federal Authority/Cost Allocation Adjustment

## Funding Provided for Existing Initiatives

- Extended Funding for COFA Lead Navigators
- Extended Funding for Child Care Worker Navigators

## Funding Provided for New Initiatives

- Apple Health Expansion Support
- Adult Family Home Training Network Support
- 1332 Waiver Study

## Miscellaneous Provisos

- Master Person Index (HHS IT Coalition request)

# 2023 Exchange Budget Highlights

- **Continued Cascade Care Funding**
  - \$110M for state premium assistance for eligible individuals up to 250% FPL (includes \$10M for 1332 waiver).
- **Advancing Health Equity**
  - \$1M for targeted Assister Network training, support outreach to tribes, increased language access and translation services.
- **1332 Waiver Implementation**
  - \$3M for community-led engagement activities, actuarial support, and FTE for waiver administration.
- **1332 Waiver Study**
  - \$260K to assess waiver amendment(s) to capture federal pass-through funding to support affordability programs with a focus on methods being used in other states that could be most readily leveraged in Washington. Report due to Legislature December 1, 2023
- **Assister Network Support**
  - \$800k in pass through funds for lead navigator organizations for continued outreach to COFA citizens.
  - \$400k in pass through funds to Yakima Neighborhood Health Services for continued outreach for child care workers.
  - \$400k to provide training and resources to support DSHS/Adult Family Home Training Network to connect adult family home workers and owners to health care.

# 2023 Exchange-Related Budget Provisos

- **Apple Health Expansion**

- \$46M funding to HCA for a new Apple Health program for uninsured individuals currently ineligible for Medicaid due to their immigration status (up to 138% FPL).
- Program starts July 1, 2024. Exchange is a key implementation partner.
- Newly eligible individuals will access program through Washington Healthplanfinder (under age 65) and WaConn (65+)
- \$433k to the Exchange to support volume-driven administrative activities (Call Center and correspondence).

- **Cost Containment Study**

- \$500k to OIC and \$100k to AGO to approaches to improve health care affordability, including:
  - Health provider price or rate regulation policies or programs, other than traditional health plan rate review.
  - Regulatory approaches in use or under consideration by other states to address any anticompetitive impacts of horizontal consolidation and vertical integration in the health care marketplace.
- Report due to Legislature December 1, 2023. Exchange to consult.

- **State Board of Community & Technical Colleges Navigator Pilot**

- \$80k to DCYF to conduct a pilot program to help connect students, including those enrolled in state registered apprenticeship programs, to health care coverage.
  - Follow-up from a successful pilot and collaboration between the Exchange and SBCTC last year.
- Exchange to provide Navigator training to SBCTC hires and consult on report due to Legislature June 30, 2024.

# Bills of Interest to the Exchange (Passed)

## Coverage Mandates

- Reviewing benchmark health plan and studying inclusion of new essential health benefits (OIC)
- Requiring coverage for colorectal screening test
- Requiring a minimum level of coverage for hearing instruments

## Cost Sharing Mandates

- Prohibiting cost-sharing for abortion
- Restricting certain behavioral health prescription cost-sharing
- Prohibiting cost-sharing for breast exams
- Developing strategies to reduce or eliminate deductibles for maternity care (OIC)
- Removes expiration date for \$35 cost-sharing cap for prescription insulin

## Cost Containment

- Modernizing prior authorization processes

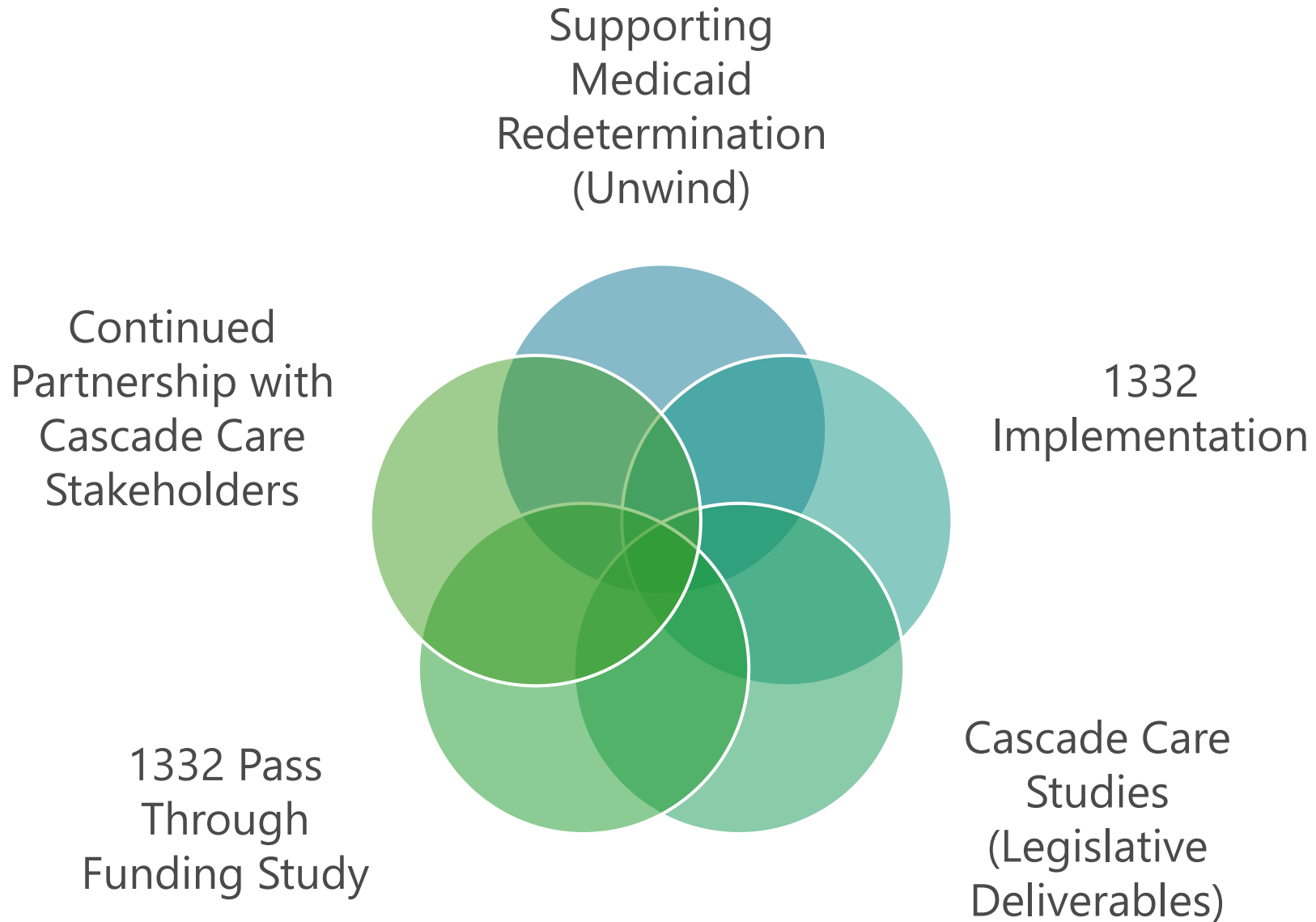
## Health Care Oversight

- Including behavioral health under the purview of the Joint Select Committee on Health Care Oversight

## Hospital Financing

- Revising the hospital safety net assessment process and program

# Interim Work



Questions?



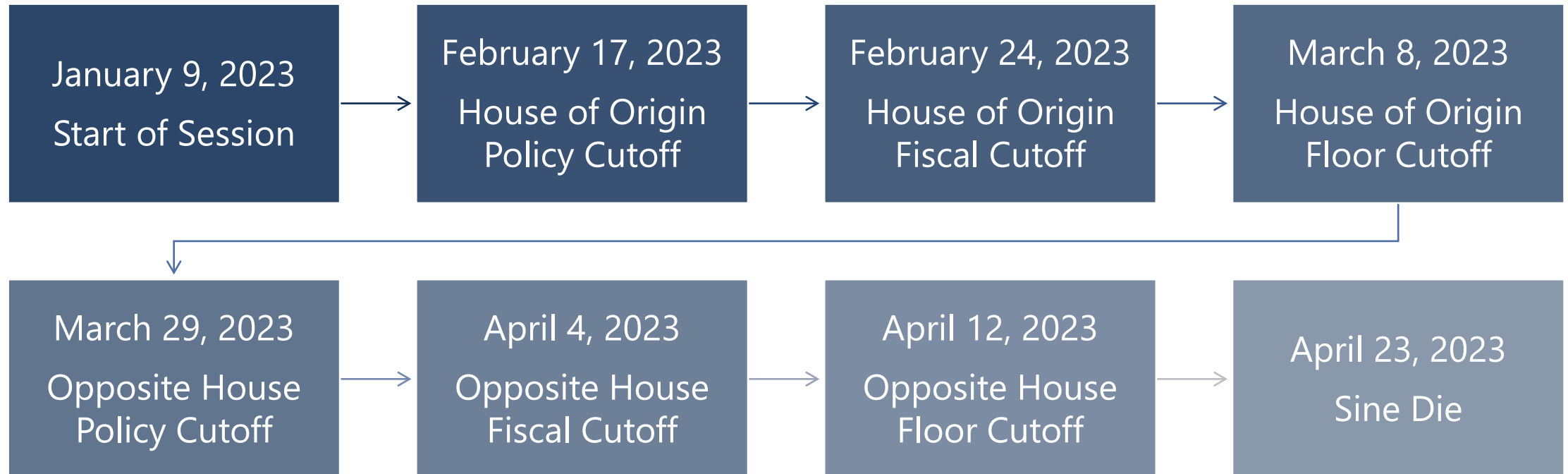


# Appendix



# 2023 Session Snapshot

- Long session (105 days); first half of the biennium; budget year
- No request legislation
- Significant engagement across organization to analyze bills and provide timely technical assistance



# 2023 Session Snapshot

- The Exchange tracked over 135 bills, including over 70 with direct or indirect Exchange impacts, on topic areas such as:
  - Coverage mandates
  - Cost sharing mandates
  - Cost containment
  - Data privacy
  - Health care oversight
  - Hospital financing
  - Premium assistance programs



**1,600+**  
Bills Introduced

**~800**  
Bills Passed House of  
Origin Fiscal Cutoff

**474**  
Bills Passed the  
Legislature

# Strategic Plan Priorities



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Improve health coverage, affordability, care and outcomes

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Advance diversity, equity and inclusion to narrow health disparities, especially in communities of color

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Leverage the success of HPF technology platform to strategically expand offered services

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Expand innovative approaches to drive health system excellence

# Exchange Bills of Interest (Passed)

Coverage Mandates	
<b><u>SSB 5338</u>: Essential health benefit. (Cleveland)</b>	Directs OIC to review essential health benefits benchmark health plan for possible modification and study impacts of including coverage for certain new benefits. (Assumption: benchmark update submission in 2024 for plan year 2026.)
<b><u>HB 1626</u>: Colorectal screening tests. (Bronoske)</b>	Requires medical assistance programs to cover noninvasive preventive colorectal cancer screenings and colonoscopies performed from a positive test result beginning Jan. 1, 2024.
<b><u>ESHB 1222</u>: Hearing instruments coverage. (Orwall)</b>	Requires non-grandfathered, large group health plans to cover hearing instruments and modifies current coverage requirements for public employee health plans starting Jan. 1, 2024.
Cost Sharing Mandates	
<b><u>SB 5242</u>: Abortion cost sharing. (Cleveland)</b>	Prohibits cost sharing for abortion for health plans issued or renewed on/after Jan. 1, 2024.
<b><u>SSB 5300</u>: Behavioral health continuity. (Dhingra)</b>	Prohibits health plans and state purchased health care programs from substituting nonpreferred drugs behavioral health or serious mental illness prescriptions starting Jan. 1, 2025.
<b><u>SSB 5396</u>: Breast exam cost sharing. (Wilson, L.)</b>	Prohibits cost sharing for diagnostic and supplemental breast exams for non-grandfathered health plans issued or renewed on/after Jan. 1, 2024.
<b><u>SSB 5581</u>: Maternal support services. (Muzzall)</b>	Requires OIC, in collaboration with carriers, to develop strategies to reduce or eliminate deductibles and other cost sharing for maternity care services, including prenatal care, delivery, and postpartum care.
<b><u>SSB 5729</u>: Insulin cost sharing cap. (Keiser)</b>	Removes the expiration date for the requirement of health plans to provide coverage for prescription insulin drugs for diabetes treatment capped at \$35 per 30-day supply.

# Exchange Bills of Interest (Passed)

Cost Containment	
<b><a href="#">E2SHB 1357</a>: Prior authorization. (Simmons)</b>	Updates requirements for prior authorization processes for private health insurance, PEBB, SEBB, and Medicaid; expands reporting requirements to include prescription drug data authorization.
Health Care Oversight	
<b><a href="#">SSB 5121</a>: Health care and behavioral health oversight committee. (Cleveland)</b>	Expands scope of work to include behavioral health and extends the expiration date of the Joint Select Committee on Health Care Oversight to Dec. 31, 2026.
Hospital Financing	
<b><a href="#">SHB 1850</a>: Hospital safety net. (Macri)</b>	Revises the hospital safety net program (formerly hospital safety net assessment) to require annual assessments on in- and outpatient services, changes the payment amount to hospitals, and creates a Medicaid directed payment program for public hospitals.
Data Privacy	
<b><a href="#">ESHB 1051</a>: Robocalls and telephone scams. (Leavitt)</b>	Updates statutes prohibiting commercial solicitation using an auto-dialer.
<b><a href="#">ESHB 1155</a>: Consumer health data. (Slatter / AGO)</b>	Regulates entities that collect, process, share, and sell consumer health data and establishes consumer rights. (HBE exempt.)
<b><a href="#">ESHB 1335</a>: Personal identifying information. (Hansen)</b>	Prohibits publication of personal identifying information without the express consent of the subject with the intent to harm. (HBE exempt.)
<b><a href="#">2SSB 5118</a>: Cybersecurity / ransomware. (Boehnke)</b>	Requires Military Dept. and WaTech to establish committees to develop recommendations to strengthen cybersecurity in public and private critical infrastructure sectors.

# Exchange Bills of Interest (Passed)

Language Access	
<b>SSB 5304: Language access services/testing.</b> (Saldana)	Requires DSHS to implement testing for language access providers and establishes a workgroup to make recommendations on interpretive service certification policies and programs.
Miscellaneous	
<b>E2SSB 5112: Automatic voter registration.</b> (Hunt / SOS)	Establishes and clarifies provisions for automatic voter registration for individuals applying for government services if they meet certain criteria.

# Exchange Bills of Interest (Did Not Pass)

Coverage Mandates	
<b>HB 1450: Biomarker testing.</b> (Stonier)	Requires private insurance and PEBB/SEBB plans to cover biomarker testing for plans issued or renewed on/after January 1, 2024.
<b>HB 1151: Fertility services.</b> (Stonier)	Requires large group health plans to cover the diagnosis of infertility, treatment for infertility, and standard fertility preservation services.
<b>HB 1079: Whole genome sequencing.</b> (Thai)	Requires HCA to require coverage under medical assistance programs for rapid whole genome sequencing for enrollees up to age one.
Cost Sharing Mandates	
<b>HB 1356: Biosimilar medicines.</b> (tktktk)	Clarifies that health, health carriers, or prescription drug utilization management entities are not prevented from requiring a patient try an interchangeable biological or biosimilar product prior to providing coverage for the equivalent branded prescription drug.
<b>HB 1465: Prescription cost sharing.</b> (tktktktk)	This bill would require health plans issued or renewed on/after January 1, 2025, to decrease cost sharing for prescription drugs by passing savings through to the enrollee at the point of sale..
<b>HB 1725: Insulin access under 21.</b> (Riccelli)	Prohibits cost sharing for insulin for enrollees under age 21 for health plans issued or renewed on/after Jan. 1, 2024, upon launch of a copayment offset program administered by HCA.
<b>SB 5580: Maternal support services and postpartum care.</b> (Muzzall)	Increases the federal poverty level requirement for pregnant and postpartum persons from 193% to 210% and requires updates to related HCA programs.
<b>HB 1855: Preventative services without cost sharing.</b> (Riccelli)	Updates requirements for health plans to cover ACA-designated preventive services without cost sharing.



# Exchange Bills of Interest (Did Not Pass)

Premium Assistance	
<b><a href="#">SB 5632</a>: Striking workers. (Keiser)</b>	Requires HBE to administer a worker health care premium assistance program to help Washington residents who lose employer-based health care coverage resulting from a labor dispute.
Cost Containment	
<b><a href="#">HB 1508</a>: Health Care Cost Transparency Board. (Macri)</b>	Expands the scope and authority of the Health Care Cost Transparency Board (HCCTB) to conduct data analysis and establish accountability measures for payers and providers who exceed health care cost growth benchmarks.
<b><a href="#">HB 1269</a>: Prescription Drug Price Accountability Board. (Riccelli)</b>	Amends authority of the Prescription Drug Price Accountability Board, including revising prescription drug threshold prices and percentage increases on prices that trigger review eligibility.
<b><a href="#">SB 5393</a>: Health care provider contracting. (Robinson)</b>	Prohibits health plans issued or renewed on/after January 1, 2024, from including anti-competitive clauses in contracts between carriers and hospitals, with certain exemptions.
<b><a href="#">SB 5241</a>: Health care marketplace. (Randall)</b>	Modifies reporting requirements for mergers, acquisitions, or contracting between hospitals and providers. Requires the attorney general to determine impacts on accessible, affordable health care in the state for at least ten years after the transaction occurs.
Hospital Finances	
<b><a href="#">SB 5767</a>: Hospital excise tax. (Randall)</b>	Establishing excise tax on certain hospitals to fund health care access.
Data Privacy	
<b><a href="#">HB 1616</a>: Personal data rights charter. (tktktktk)</b>	Provides rights to individuals and requirements for governmental and covered entities regarding the collection and use of personal and biometric information.

# Exchange Bills of Interest (Did Not Pass)

Equity	
<b><u>HB 1541</u>: Nothing about us without us act.</b> <b>(Farivar)</b>	Requires all future temporary multi-member task force, work group, or advisory committee established in statute to include in its membership individuals with direct lived experience with the policy or issue being examined.
Miscellaneous	
<b><u>SB 5335</u>: Washington heath trust.</b> <b>(Hasegawa)</b>	Establishes the Washington Health Trust as a consolidated single-payer insurance program providing universal health care to Washington residents funded through payroll and capital gains taxes.
<b><u>SB 5530</u>: Whole WA digital experience.</b> <b>(Gildon)</b>	Creates the Whole WA digital experience work group to create a framework for developing a mobile app intended to connect Washington residents with government and service providers.
<b><u>HB 1320</u>: Access to personnel records.</b> <b>(Reed)</b>	Updates procedures for furnishing employee personnel records within 14 calendar days upon request, establishes a private right of action for requesting employees, and requires redaction of certain information.