



2023 Legislative Session Review

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Session Overview

- The state's 2023 legislative session ended on time on April 23rd
- This was a “long session” in the biennial cycle
- Legislature passed 474 bills and a \$69 B final [operating budget](#) for the biennium (July 2023 - June 2025)
- Governor has 20 days to sign or veto - *many items discussed here are not yet signed*
- Likely a “special session” to address *Blake*



Key Dynamics

- Hybrid session
- New House Health Chair Riccelli
- Lower forecast and end of federal pandemic funds tightened budget
- No new tax increases, despite calls for revenue
- Health focus on behavioral health, homelessness, reproductive health, workforce stabilization, difficult-to-discharge patients
- Revised hospital safety net assessment part of budget solution



NoHLA Priorities



Health Equity for Immigrants: Background


- Federal restrictions limit affordable health coverage options for undocumented people
- Over 100,000 undocumented WA residents are uninsured, perpetuating racial disparities:
 - 46% of undocumented immigrants in WA identify as Hispanic or Latinx
 - 37% identify as Asian or Pacific Islander
- The 100+ organization [Health Equity for Immigrants Campaign](#) strives toward parity and ultimately equity in coverage and care



Sources: Office of Financial Management analysis of American Community Survey data, 2019 (on file); <https://ofm.wa.gov/sites/default/files/public/dataresearch/researchbriefs/brief090.pdf>

Health Equity for Immigrants: Previous Sessions

- HEIC builds on past expansions for children, pregnant/postpartum people, and family planning
- HEIC secured the groundwork for a broader adult expansion:
 - Directed state agencies to start implementing state Medicaid and Exchange programs for undocumented adults
 - A ground-breaking “1332 waiver” from federal law that allows WA to enroll undocumented people in Exchange plans
- But expansions weren’t yet funded

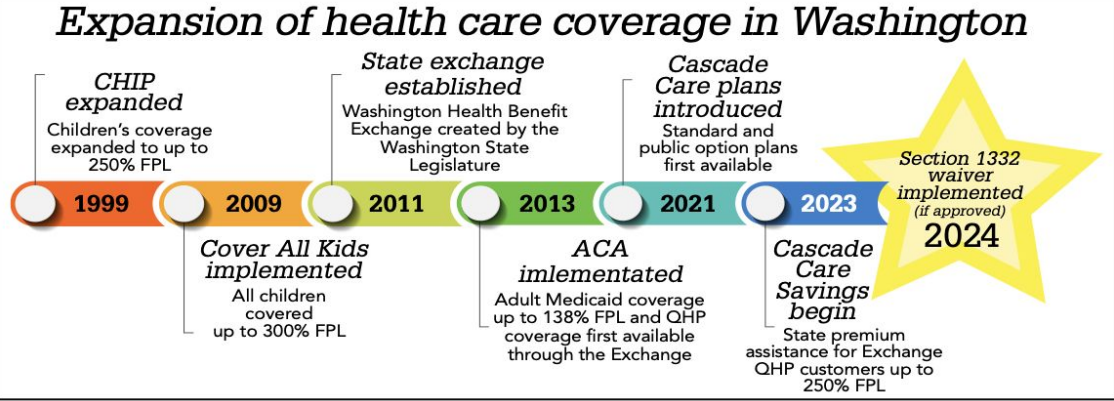

washington healthbenefitexchange
powering washington healthplanfinder

Washington Section 1332 Waiver Application

- The state of Washington has been a leader in exploring innovative ways to increase access, improve quality, and reduce the number of Washington residents who lack coverage.
- On May 13, Washington submitted the Section 1332 State Innovation Waiver that, if approved, will provide access to federally non-subsidized health and dental coverage through *Washington Healthplanfinder* to all Washington residents, regardless of immigration status, starting in plan year 2024.
- The Section 1332 Waiver would also allow newly eligible customers up to 250% FPL to access Cascade Care Savings (state premium assistance starting for plan year 2023).
- The waiver application meets federal waiver requirements by offering comprehensive, affordable coverage to more people without increasing the federal deficit.
- Nearly 25% of Washington’s uninsured population cannot obtain coverage through *Washington Healthplanfinder* due to their immigration status. By decreasing the number of uninsured, addressing health disparities, strengthening the individual market, and improving health care affordability, this waiver takes an important step forward in addressing health equity.

	2024	2025	2026	2027	2028
Premiums	-1.4%	-1.6%	-1.6%	-1.6%	-1.7%
Individual Market Enrollment	1.1%	1.3%	1.3%	1.3%	1.4%
Federal Savings (\$ millions)	\$1.7	\$2.0	\$2.2	\$2.4	\$2.8

Expansion of health care coverage in Washington



1999 CHIP expanded: Children's coverage expanded to up to 250% FPL

2009 Cover All Kids implemented: All children covered up to 300% FPL


2011 State exchange established: Washington Health Benefit Exchange created by the Washington State Legislature

2013 ACA implemented: Adult Medicaid coverage up to 138% FPL and QHP coverage first available through the Exchange

2021 Cascade Care plans introduced: Standard and public option plans first available

2023 Cascade Care Savings begin: State premium assistance for Exchange QHP customers up to 250% FPL

2024 Section 1332 waiver implemented (if approved)


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Health Equity for Immigrants: 2023 Session

The Goal - A bill with:

- Medicaid-like program for those under 138% of the Federal Poverty (FPL)
- Maintain Exchange Cascade Care Savings premium assistance for under 250% FPL
- Pathway to additional Exchange premium and cost-sharing assistance
- Pathway to long-term care solution
- Community outreach funds

The Outcome - Budget funds for:

- \$49.5M for Medicaid-like program starting July 2024
- \$110M to continue Exchange premium assistance starting January 2024
- \$260K study of future 1332 waiver options
- \$7.7M to increase the limited number of state long-term care “slots”
- \$3.44 in outreach, customer assistance, and program administration

Key Take-Aways

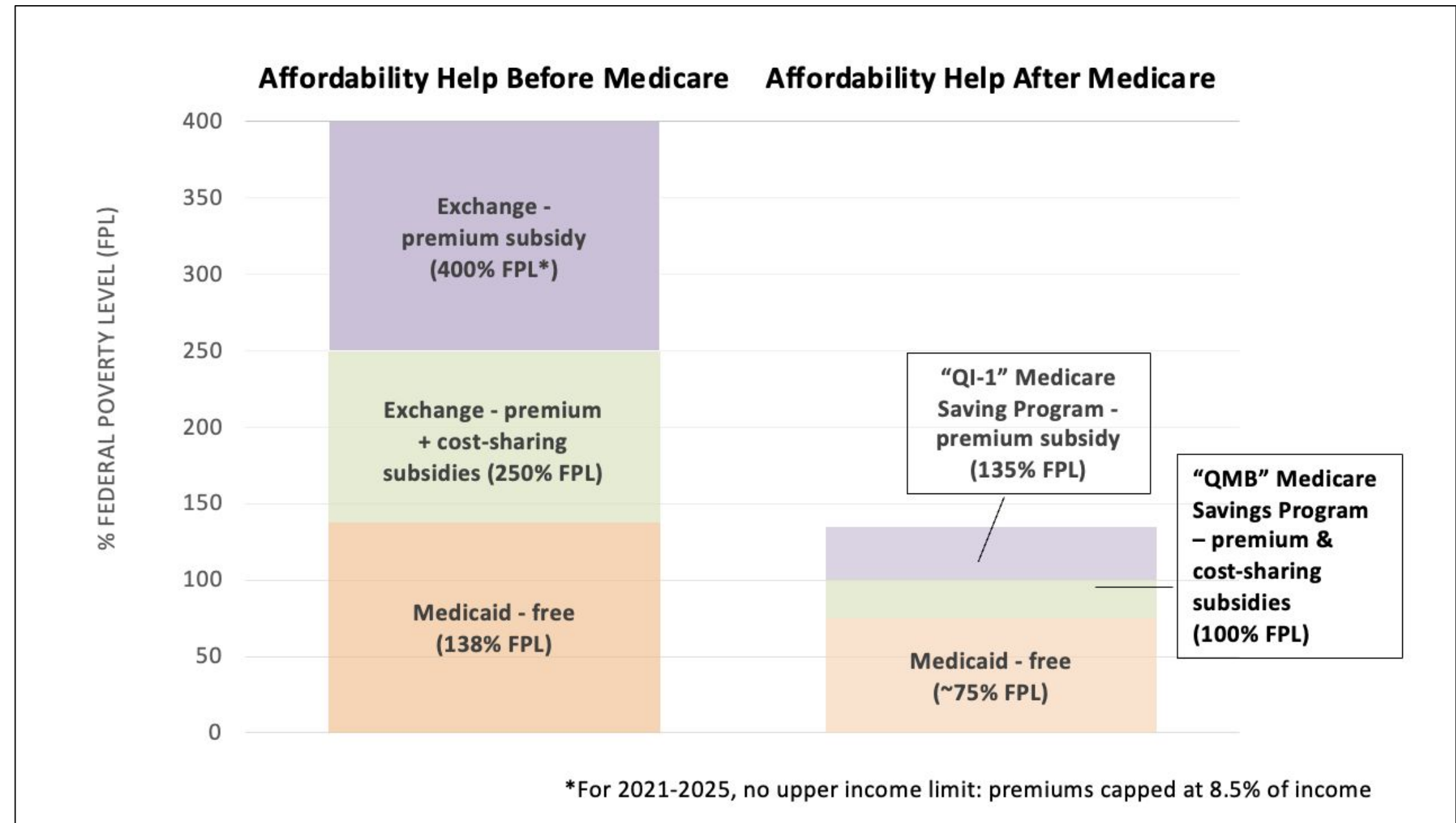
- Undocumented immigrants can purchase Exchange plans for coverage starting January 2024, with premium assistance if income under 250% FPL
- Undocumented immigrants with income under 138% FPL will be eligible to apply for Apple Health in July 2024, but capacity may be limited

Learn more:

[2024 Immigrant Health
Fact Sheet](#)

Medicare Affordability Cliff: Background

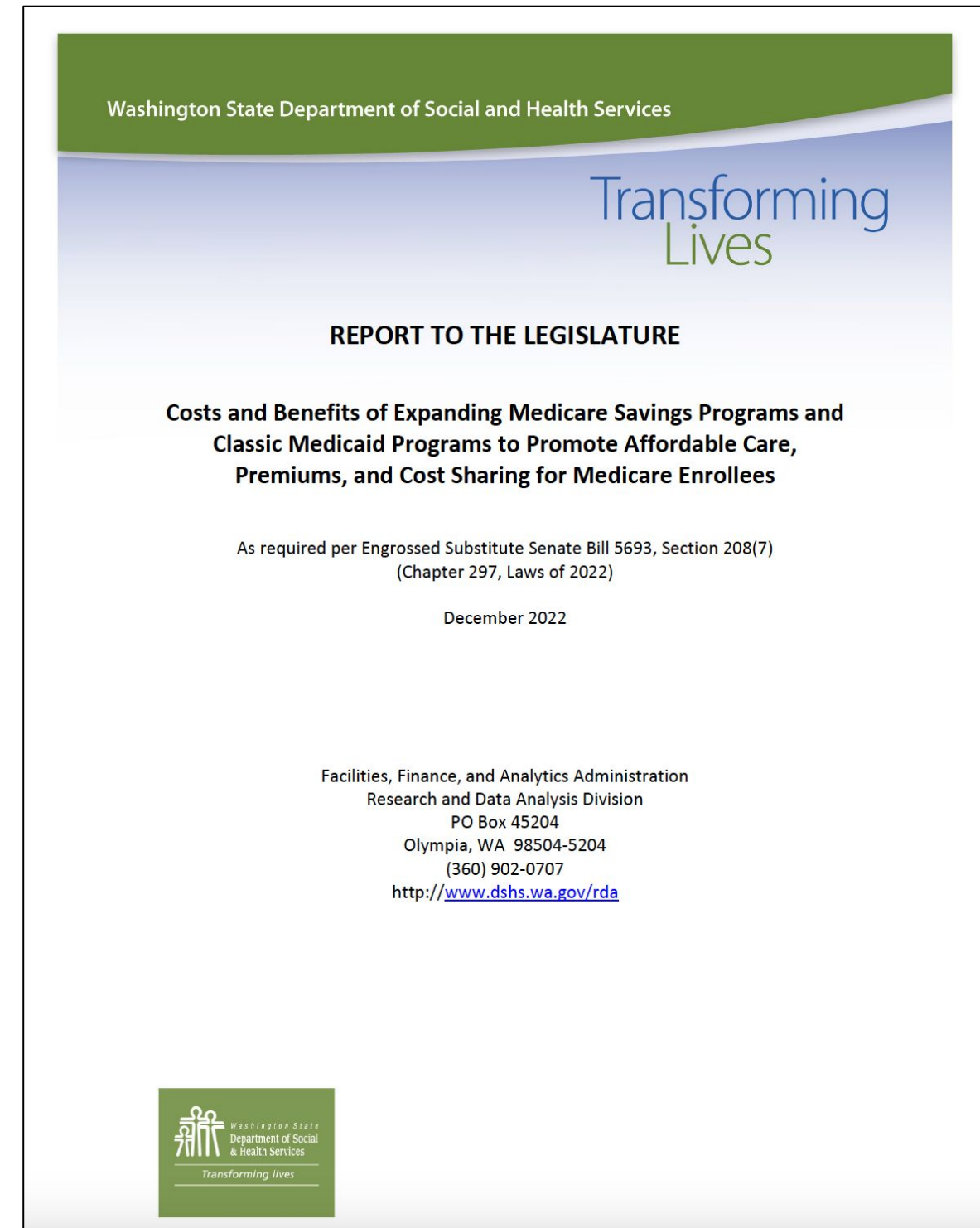
- Medicare has no cap on out-of-pocket costs, unlike coverage for younger people with disabilities
- Half of low-income Medicare enrollees spend over 27% of their income on health care
- Affordability assistance is very limited for Medicare enrollees



Source: <https://www.aarp.org/ppi/info-2021/medicare-beneficiaries-out-of-pocket-spending-for-health-care.html>

Medicare Affordability Cliff: Previous Sessions

- NoHLA and allies kicked off the Medicare Affordability Cliff effort with a [report](#) and a work session in the Joint Legislative-Executive Committee on Aging and Disability
- Last session, we secured:
 - A policy change to remove the “asset test” from Medicare Savings Programs so more people can qualify for premium and cost-sharing help
 - Direction to DSHS to study the issue
- The DSHS study outlined promising policy options and their costs



Medicare Affordability Cliff: 2023 Session

The Goal

- Develop a step-wise approach to tackling the Medicare Affordability Cliff, as other states have done
- [HB 1313/SB 5492](#): Expand eligibility for the “QMB” Medicare Savings Program from 100% FPL to 138% FPL (at parity with the ACA’s Medicaid Expansion) to help with Medicare premiums and out-of-pocket costs

The Outcome

- Strong new legislative champion, Rep. Darya Farivar
- Hearing in House Health committee
- \$6.3M in budget to expand QMB Medicare Savings Program to 110% FPL, starting in April 2024

Fair Health Prices WA: Background



- New effort launched by NoHLA and consumer, labor, and employer partners
- Recognition that subsidies alone can't solve health care affordability
- Focused on tackling the *underlying* drivers of high health care costs
- Learn more at:
<https://fairhealthprices.org/>

“I thought it was going to cover me. Because I was paying a lot... I thought that because I have insurance it's going to help me and it doesn't help me. I have diabetes. I tried to get medicine, the insulin was costing me \$1,800. I don't have a lot of money, I have to pay rent, I have to pay for my car, the insurance. I have to have a phone and I have to eat.”

– Nora, Chelan County, sued for medical debt,
translated from Spanish

Fair Health Prices WA: Background (cont'd.)

[Recent WA survey data](#) demonstrates the need for a fresh approach:

- **62%** of Washingtonians surveyed struggled to afford health care this year
- **81%** worry about affording health care in the future
- **56%** reported delaying or foregoing care due to cost
- High costs are worsening existing inequities

Table 5
Percent Who Incurred Debt, Depleted Savings and/or Sacrificed Basic Necessities Due to Medical Bills in Prior 12 Months, by Income, Geographic Setting, Ethnicity, Race, Disability Status and Insurance Type

	INCURRED MEDICAL DEBT, DEPLETED SAVINGS AND/OR SACRIFICED BASIC NEEDS DUE TO MEDICAL BILLS
ALL RESPONDENTS	39%
INCOME	
LESS THAN \$50,000	41%
\$50,000 - \$75,000	38%
\$75,000 - \$100,000	40%
MORE THAN \$100,000	37%
GEOGRAPHIC SETTING	
RURAL	50%
NON-RURAL	35%
ETHNICITY	
HISPANIC/LATINX	54%
NON-HISPANIC/LATINX	36%
RACE	
AMERICAN INDIAN OR NATIVE ALASKAN, ASIAN AND NATIVE HAWAIIAN OR OTHER PACIFIC ISLANDER	40%
BLACK/AFRICAN AMERICAN	56%
WHITE	36%
DISABILITY STATUS	
HOUSEHOLD DOES NOT INCLUDE A PERSON WITH AT LEAST ONE DISABILITY	28%
HOUSEHOLD INCLUDES A PERSON WITH AT LEAST ONE DISABILITY	61%

Fair Health Prices WA: 2023 Session

The Goal

- [HB 1508](#): Accountability for Health Care Cost Transparency Board (HCCTB) health spending benchmark
- [SB 5393](#): Set guardrails for fair, competitive hospital contracting
- [HB 1269](#): Strengthen Prescription Drug Affordability Board

And support:

- [SB 5241](#): Keep Our Care Act, Preventing anticompetitive mergers
- [SB 5326](#): Safe & Healthy, ensuring safe hospital staffing

The Outcome

- [SB 5326](#) passed; [HB 1508](#) passed House; and [SB 5393](#), [SB 5241](#), and [HB 1269](#) made it through Rules
- \$504K in budget to increase HCCTB staff and another bill ([SB 5700](#)) passed with HCCTB rulemaking authority
- \$600K in budget to OIC/AGO to study provider consolidation and policies to improve affordability

Select Other Health Bill Highlights*

*Non-exhaustive. Many bills still pending Governor action to sign or veto.

Improving Public Programs

HB 1128, Personal needs allowance	Dept. of Social and Health Services request. Increases the personal needs allowance for clients in medical institutions or residential settings to \$100 per month in 2023 and indexed thereafter, allowing Medicaid long-term care clients to keep more funds for basic necessities.
HB 1188, Individuals with developmental disabilities	Requires the Caseload Forecast Council to forecast Developmental Disability Administration waiver slots for people with intellectual and developmental disabilities who are also receiving certain child welfare services, and will require DSHS to apply for a new Medicaid waiver to serve children and youth with developmental disabilities involved in certain child welfare services.
HB 1260, Stability for people with work-limiting disability	Improves eligibility for the safety-net financial assistance programs ABD, HEN, and PWA, which in turn qualifies people for the Medical Care Services program.
HB 1694, Home Care Workforce Shortages	Addresses long-term care workforce shortages by expanding timelines for workers seeking home care aide certification, expanding the kinds of family members exempt from home care aide certification, exempts certain credentialing fees, and directs DSHS to study feasibility of paying certain family caregivers of people with complex medical needs.

Improving Health Coverage

HB 1222, Hearing instruments coverage	Requires state-regulated large group plans to cover hearing instruments and requires OIC to include hearing instruments when it updates the Essential Health Benefits for individual & small group plans.
SB 5338, Essential Health Benefits review	Directs OIC to review the state's Essential Health Benefits package by Dec. 2023 and determine whether to request federal approval to update those benefits.
SB 5036, Audio-only telemedicine	Extends the existing law for provider reimbursement for audio-only telemedicine in certain circumstances until July 2024.
HB 1626, Colorectal screening tests	Requires Apple Health to cover preventive colorectal cancer screening tests, as well as follow-up colonoscopies after a positive test result.
SB 5396, Breast exam cost-sharing	Starting January 2024, requires state-regulated private health plans that cover supplemental and diagnostic breast exams to do so without cost-sharing.
SB 5581, Maternity care access	Requires OIC to develop strategies to reduce cost-sharing for maternity care services in state-regulated private health plans.
SB 5729, Insulin cost-sharing cap	Makes permanent the existing law that requires state-regulated private health plans to limit enrollee cost-sharing for insulin to \$35 for a 30-day supply.

Supporting Health Equity

HB 1678, Dental therapy	Authorizes dental therapists to practice in FQHCs and look-alikes.
HB 1745, Clinical trials diversity	Requires state universities, hospitals, and agencies that receive federal funding for prescription drug or medical device clinical trials to take steps to recruit participants from underrepresented demographic groups.
SB 5304, Language access testing	Requires the Dept. of Social and Health Services to administer language access provider testing that meets certain requirements and creates a new workgroup to make recommendations related to interpreter services.

Expanding Behavioral Health Access

HB 1134, 988 system	Supports the state's new 988 behavioral health crisis hotline by laying the groundwork for crisis response teams and increasing public awareness.
HB 1515, Behavioral health medical assistance contracting	Requires the Health Care Authority to make changes to the Medicaid managed care organization procurement and contracting process for behavioral health services, including statewide behavioral health network adequacy standards.
SB 5120, 23-hour crisis relief centers	Directs the Dept. of Health to license 23-hour Crisis Relief Centers, a new type of crisis diversion facility to serve people regardless of behavioral health acuity instead of jails or hospitals.
SB 5300, Behavioral health drug continuity of care	Prohibits state-regulated health plans and Medicaid managed care organizations from changing their formulary or increasing cost-sharing mid-year for certain prescription drugs for serious mental illness.

Defending Reproductive Health

HB 1155, Consumer health data	Prohibits selling consumer health data without the person's authorization, making it harder for entities like apps or crisis pregnancy centers to share sensitive reproductive health data.
HB 1340, Provider licensing protections	Establishes that health care provider participation in reproductive health care services or gender affirming treatment does not constitute unprofessional conduct under the Uniform Disciplinary Act, with some exceptions.
HB 1469, Reproductive and gender-affirming treatment access	Shields providers of sensitive health services like reproductive health care and gender affirming treatment from criminal proceedings and extradition to other states.
SB 5242, Abortion cost-sharing	Eliminates cost-sharing for abortion services in state-regulated private health plans.
SB 5768, Protecting access to abortion medication	Responds to recent medication abortion litigation by requiring the Dept. of Corrections to establish and operate a program to deliver, dispense, and distribute abortion medications.
SB 5599, Youth protected health care services	Allows a runaway/homeless shelter to avoid notifying the youth's parents/guardians if the youth is seeking protected health services, such as reproductive or gender-affirming care.

Select Other Health-Related Bills

<u>SB 5179, Death with Dignity access</u>	Expands the types of providers authorized to perform the duties of the Death with Dignity Act and reduce waiting periods to request these services.
<u>HB 1357, Modernizing prior authorization</u>	Standardizes prior authorization timelines and processes for state-regulated health plans and Medicaid managed care organizations. Prior authorization refers to health insurers' decisions whether or not they agree to cover a person's health care service.
<u>HB 1850, Hospital safety net program</u>	Revises the existing hospital safety net assessment to draw down additional federal funds, which are returned to hospitals and the general fund.
<u>SB 5103, Difficult to discharge Medicaid patients</u>	Increases reimbursement for Apple Health patients who no longer need acute inpatient care, but cannot be safely discharged for specific reasons.

Select Other Health Budget Highlights*

*Non-exhaustive. Budget is still pending Governor action to sign or veto.

Health Coverage

- Adds Apple Health adult benefits: cochlear implants, acupuncture, chiropractic care
- Funds Apple Health continuous eligibility for:
 - children age 0-6 with income up to 215% FPL (*contingent on pending waiver request*)
 - unaccompanied refugee minors up to age 26
- Directs HCA to expand pending waiver request to provide Apple Health benefits to incarcerated people from 30 days to 90 days prior to release
- Funds Exchange to support coverage transitions due to Medicaid COVID unwinding
- Continues COFA Navigator organization pass-through funding
- Increases funding for Universal Health Care Commission

Long-Term Care and Disability Care

- Authorizes “Katie Beckett” waiver to allow up to 1,000 children who need institutional-level care to remain in a home care setting
- Increases personal needs allowance to \$100/month so Medicaid clients in residential/institutional settings can keep more for personal needs
- WA Cares Fund outreach, provider network development, and actuarial services
- Study on expanding Medicaid services for people living with a developmental disability
- Provider and facility rate increases, including incentives to accept patients discharging from hospitals and to provide supports for clients with complex and behavioral health needs

Public Health

- Funds for reproductive health:
 - abortion provider grants, workforce retention, patient support, security investments
 - same-day LARCs at FQHCs
 - projects to reduce maternal mortality
- Funds to increase access to school-based health centers
- Funds related to the health impacts of climate change
- Support for Black and African-American health:
 - Funds for the Tubman Center for Health and Freedom (*in Capital budget*)
 - DOH funds for African-American behavioral health education and a Pierce County pilot program to bridge care gaps

Other notable items:

- Extensive behavioral health investments, including:
 - 15% Medicaid rate increase for non-hospital BH providers
 - Support for a Behavioral Health Joint Legislative-Executive Committee
 - Support for crisis response, including mobile rapid response teams
- Governor's Office funds to implement equity initiatives:
 - "Lived experience" stipends and toolkit
 - Agency contracts with equity experts
 - Public meeting accessibility, including language interpretation
 - Survey on LGBTQ disparities, including health disparities

Looking Ahead



- Special session likely to address *Blake*
- Next year's "short session" is likely to continue in a tight fiscal environment
- Some expected leadership changes

Learn More and Get Involved

- Sign up for NoHLA updates: www.nohla.org
- Look up a bill by number or topic: <https://app.leg.wa.gov/billinfo/>
- Find budget documents: <https://fiscal.wa.gov/>

[Support our work](#)

GiveBIG continues through next Wednesday!



Questions?

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