

**Title: What authority do employer groups or charter schools need before contracting with the Health Care Authority (HCA) for participation in Public Employees Benefits Board (PEBB) for insurance coverage?**

**Policy 90-2**

<b>Contact:</b>	Rules Specialist, ERB Division	<b>Effective:</b>	January 1, 2018
		<b>Rescinded:</b>	
<b>Associated RCW:</b>	41.05.011 (6)(a) and (9) 41.05.021(1)(g)	<b>Supersedes:</b>	
<b>Associated WAC:</b>	182-08-235(2)		
<b>Assoc. fed law/reg:</b>		<b>Owner:</b>	Policy & Rules Manager, ERB Division
<b>Associated Procedures:</b>			
<b>Associated Forms &amp; Communication</b>		<b>Approved by:</b>	 Acting ERB Director
		<b>Position:</b>	ERB Division Director
		<b>Date approved:</b>	12/1/2017

**Purpose:**

To clarify what authority is required from employer groups or charter schools as part of the application process for benefits with the Health Care Authority (HCA) and the Public Employees Benefits Board (PEBB) program.

**Policy:**

The HCA is required to maintain its status as a governmental plan under ERISA. To ensure that HCA is contracting with governmental political subdivision of the state, WAC 182-08-235(2) requires a reference to the group's authorizing statute as part of the application package.

There are applications where the authorizing statute is not clear so other documents or statements may be required. The following list may be requested to clarify the authority of the group:

1. A statement showing that a governing legislative body or the voters established the political subdivision;
2. Proof that there is access to the risk management fund (RCW 4.96.010 and 39.50.010);

3. Information showing a governmental function has been delegated to an entity pursuant to a RCW;
4. A document that provides proof that a statute or an ordinance was passed to delegate the governmental function;
5. A current and executed Interagency agreement (IA) consistent with RCW 39.34; or
6. Any additional information requested by the HCA or PEBB program.