

**RCW 70.390.030 Health care cost transparency board—Appointment—
Terms—Conflicts—Reimbursement—Liability.** (1) The board shall consist of fourteen members who shall be appointed as follows:

- (a) The insurance commissioner, or the commissioner's designee;
- (b) The administrator [director] of the health care authority, or the administrator's [director's] designee;
- (c) The director of labor and industries, or the director's designee;
- (d) The chief executive officer of the health benefit exchange, or the chief executive officer's designee;
- (e) One member representing local governments that purchase health care for their employees;
- (f) Two members representing consumers;
- (g) One member representing Taft-Hartley health benefit plans;
- (h) Two members representing large employers, at least one of which is a self-funded group health plan;
- (i) One member representing small businesses;
- (j) One member who is an actuary or an expert in health care economics;
- (k) One member who is an expert in health care financing; and
- (l) One nonvoting member who is a member of the advisory committee of health care providers and carriers and has operational experience in health care delivery.

(2) The governor:

- (a) Shall appoint the members of the board. Each of the two largest caucuses in both the house of representatives and the senate shall submit to the governor a list of five nominees. The nominees must be for members of the board identified in subsection (1)(f) through (k) of this section, may not be legislators, and, except for the members of the board identified in subsection (1)(j) and (k) of this section, the nominees may not be employees of the state or its political subdivisions. No caucus may submit the same nominee. The caucus nominations must reflect diversity in geography, gender, and ethnicity;
- (b) May reject a nominee and request a new submission from a caucus if a nominee does not meet the requirements of this section; and
- (c) Must choose at least one nominee from each caucus.

(3) The governor shall appoint the chair of the board.

(4) (a) Initial members of the board shall serve staggered terms not to exceed four years. Members appointed thereafter shall serve two-year terms.

- (b) A member of the board whose term has expired or who otherwise leaves the board shall be replaced by gubernatorial appointment. Upon the expiration of a member's term, the member shall continue to serve until a successor has been appointed and has assumed office. When the person leaving was nominated by one of the caucuses of the house of representatives or the senate, his or her replacement shall be appointed from a list of five nominees submitted by that caucus within thirty days after the person leaves. If the member to be replaced is the chair, the governor shall appoint a new chair within thirty days after the vacancy occurs. A person appointed to replace a member who leaves the board prior to the expiration of his or her term shall serve only the duration of the unexpired term. Members of the board may be reappointed to multiple terms.

(5) No member of the board may be appointed if the member's participation in the decisions of the board could benefit the member's own financial interests or the financial interests of an entity the member represents. A board member who develops such a conflict of interest shall resign or be removed from the board.

(6) Members of the board must be reimbursed for their travel expenses while on official business in accordance with RCW 43.03.050 and 43.03.060. The board shall prescribe rules for the conduct of its business. Meetings of the board are subject to the call of the chair.

(7) The board and its subcommittees are subject to the provisions of chapter 42.30 RCW, the open public meetings act, and chapter 42.56 RCW, the public records act. The board and its subcommittees may not disclose any health care information that identifies or could reasonably identify the patient or consumer who is the subject of the health care information.

(8) Members of the board are not civilly or criminally liable and may not have any penalty or cause of action of any nature arise against them for any action taken or not taken, including any discretionary decision or failure to make a discretionary decision, when the action or inaction is done in good faith and in the performance of the powers and duties under this chapter. [2020 c 340 s 3.]