

**Title: What authority do employer groups or board of directors for school districts and educational service districts need before contracting with the Health Care Authority (HCA) for participation in Public Employees Benefits Board (PEBB) for insurance coverage?**

**PEBB Program Administrative Policy 90-2**

<b>Contact:</b>	Policy and Rules Coordinator, ERB Division	<b>Effective:</b>	January 1, 2024
<b>Associated RCW:</b>	4.96.010 Chapter 39.34 39.50.010 41.05.011 (6)(a) and (9)(a) 41.05.021 (1)(g)	<b>Owner:</b>	Policy, Rules, & Compliance Manager, ERB Division
<b>Associated PEB Board Policy Resolutions:</b>		<b>Approved by:</b>	
<b>Associated WAC:</b>	182-08-235(2)	<b>Position:</b>	Director of the PEBB Program
<b>Assoc. fed law/reg:</b>		<b>Date approved:</b>	September 5, 2023
<b>Associated Forms &amp; Communication</b>			

**Purpose:**

To clarify what authority is required from employer groups or board of directors for school districts and educational service districts 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 the Employee Retirement Income Security Act (ERISA). To ensure that HCA is contracting with a 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 Chapter 39.34 RCW; or
6. Any additional information requested by the PEBB Program.