
HOUSE BILL 2047

State of Washington

55th Legislature

1997 Regular Session

By Representative McMorris

Read first time 02/18/97. Referred to Committee on Commerce & Labor.

1 AN ACT Relating to prohibiting a health service provider from
2 charging a percentage of benefits for acting as a representative; and
3 amending RCW 51.48.280.

4 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

5 **Sec. 1.** RCW 51.48.280 and 1986 c 200 s 6 are each amended to read
6 as follows:

7 (1) Any person, firm, corporation, partnership, association,
8 agency, institution, or other legal entity, that solicits or receives
9 any remuneration (including any kickback, bribe, or rebate) directly or
10 indirectly, overtly or covertly, in cash or in kind:

11 (a) In return for referring an individual to a person for the
12 furnishing or arranging for the furnishing of any item or service for
13 which payment may be made in whole or in part under this chapter; or

14 (b) In return for purchasing, leasing, ordering, or arranging for
15 or recommending purchasing, leasing, or ordering any goods, facility,
16 service, or item for which payment may be made in whole or in part
17 under this chapter;

1 shall be guilty of a class C felony: PROVIDED, That the fine, if
2 imposed, shall not be in an amount more than twenty-five thousand
3 dollars, except as authorized by RCW 9A.20.030.

4 (2) Any person, firm, corporation, partnership, association,
5 agency, institution, or other legal entity, that offers or pays any
6 remuneration (including any kickback, bribe, or rebate) directly or
7 indirectly, overtly or covertly, in cash or in kind to any person to
8 induce such person:

9 (a) To refer an individual to a person for the furnishing or
10 arranging for the furnishing of any item or service for which payment
11 may be made, in whole or in part, under this chapter; or

12 (b) To purchase, lease, order, or arrange for or recommend
13 purchasing, leasing, or ordering any goods, facility, service, or item
14 for which payment may be made in whole or in part under this chapter;
15 shall be guilty of a class C felony: PROVIDED, That the fine, if
16 imposed, shall not be in an amount more than twenty-five thousand
17 dollars, except as authorized by RCW 9A.20.030.

18 (3) It is unlawful for a service provider to (a) provide a health
19 care service to a claimant, while acting as his or her representative
20 in obtaining authorization for the services, and (b) charge a
21 percentage of the benefits for acting as his or her representative.

22 (4) Subsections (1) and (2) of this section shall not apply to:

23 (a) A discount or other reduction in price obtained by a provider
24 of services or other entity under this chapter if the reduction in
25 price is properly disclosed and appropriately reflected in the costs
26 claimed or charges made by the provider or entity under this chapter;
27 and

28 (b) Any amount paid by an employer to an employee (who has a bona
29 fide employment relationship with such employer) for employment in the
30 provision of covered items or services.

31 (~~(4)~~) (5) Subsections (1) and (2) of this section, if applicable
32 to the conduct involved, shall supersede the criminal provisions of
33 chapter 19.68 RCW, but shall not preclude administrative proceedings
34 authorized by chapter 19.68 RCW.

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