

2SSB 5597 - H COMM AMD

By Committee on Health Care & Wellness

NOT ADOPTED 04/06/2007

1 Strike everything after the enacting clause and insert the
2 following:

3 "NEW SECTION. **Sec. 1.** A new section is added to chapter 48.43 RCW
4 to read as follows:

5 (1) Health carriers may not directly or indirectly, through
6 contract or otherwise, refuse to reimburse a chiropractor, who has
7 signed a participating provider agreement, for the provision of health
8 care services if:

9 (a) The health care service is:

10 (i) Medically necessary;

11 (ii) Within the scope of practice of the chiropractor;

12 (iii) Provided by the chiropractor or the chiropractor's employees
13 who work in the same location as the chiropractor and either are
14 licensed under chapter 18.25 RCW or are employees specified in RCW
15 18.25.190 (2) or (3) to whom the chiropractor has delegated the work
16 pursuant to rules adopted by the Washington state chiropractic quality
17 assurance commission. Such employees must meet the health carrier's
18 reasonable qualifications for all such providers in the relevant class,
19 including but not limited to standards for education, background
20 checks, and licensure, as applicable; and

21 (iv) Covered chiropractic health care, as defined in RCW 48.43.515,
22 for the health plan under which the enrollee received the services; and

23 (b) The chiropractor complies with the terms and conditions of the
24 participating provider agreement, including any requirements for cost
25 containment or participation in an evidence-based quality assurance
26 program.

27 (2) When offering a plan network provider contract to a
28 chiropractic practice, whether the practice consists of two or more
29 chiropractors as partners, members, or shareholders, health carriers
30 must offer all chiropractors in the practice the opportunity to be

1 participating providers, subject to the chiropractor's compliance with
2 RCW 48.43.045(1)(b). This subsection does not prohibit a participating
3 provider agreement from allowing either party to terminate the
4 agreement without cause under the terms of the agreement.

5 (3) This section does not relieve a chiropractor from
6 responsibility or liability imposed by law for delegated services
7 performed by the chiropractor's employee.

8 (4) Any term or condition of any participating provider agreement
9 between a chiropractor and a health carrier that attempts to waive this
10 section is invalid.

11 (5) This section applies only to participating provider agreements
12 that are executed or renewed on or after January 1, 2008.

13 NEW SECTION. **Sec. 2.** This act does not affect any existing right
14 acquired or liability or obligation incurred prior to the effective
15 date of this act.

16 NEW SECTION. **Sec. 3.** If any provision of this act or its
17 application to any person or circumstance is held invalid, the
18 remainder of the act or the application of the provision to other
19 persons or circumstances is not affected."

20 Correct the title.

EFFECT: Makes various technical and reorganizing changes,
including deleting explicit provisions that would not have allowed
contracts to prohibit delegation of duties or to require compliance
with health care delivery standards conflicting with those adopted by
the Washington State Chiropractic Quality Assurance Commission.

Adds the following conditions to the requirement that health
carriers must reimburse participating chiropractors for provided health
care services:

(1) The services must be medically necessary and within the
chiropractor's scope of practice;

(2) The work must be performed by the chiropractor or by the
chiropractor's employees who work in the same location and are either
licensed chiropractors or are legally delegated the work as
chiropractic students or postgraduate trainees, as long as the
employees meet standards required by the health carrier for the class
of providers;

(3) The services must be a covered benefit; and

(4) The chiropractor must comply with cost containment and quality assurance requirements of the provider agreement.

Adds that health carriers offering network provider contracts to chiropractic practices of two or more chiropractors must offer the opportunity for all chiropractors to be participating providers, if the chiropractors comply with standards listed in statute, including cost containment, administrative procedures, and efficacious care.

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