

CERTIFICATION OF ENROLLMENT

SUBSTITUTE SENATE BILL 6273

Chapter 44, Laws of 2010

61st Legislature
2010 Regular Session

INSURANCE COVERAGE--SALES TAX--DURABLE MEDICAL AND MOBILITY
ENHANCING EQUIPMENT

EFFECTIVE DATE: 06/10/10

Passed by the Senate February 5, 2010
YEAS 48 NAYS 0

BRAD OWEN

President of the Senate

Passed by the House February 28, 2010
YEAS 68 NAYS 26

FRANK CHOPP

Speaker of the House of Representatives

Approved March 12, 2010, 2:37 p.m.

CHRISTINE GREGOIRE

Governor of the State of Washington

CERTIFICATE

I, Thomas Hoemann, Secretary of the Senate of the State of Washington, do hereby certify that the attached is **SUBSTITUTE SENATE BILL 6273** as passed by the Senate and the House of Representatives on the dates hereon set forth.

THOMAS HOEMANN

Secretary

FILED

March 12, 2010

**Secretary of State
State of Washington**

SUBSTITUTE SENATE BILL 6273

Passed Legislature - 2010 Regular Session

State of Washington 61st Legislature 2010 Regular Session

By Senate Health & Long-Term Care (originally sponsored by Senators Swecker, Fairley, Keiser, Hatfield, Pflug, Stevens, Shin, and McCaslin)

READ FIRST TIME 01/27/10.

1 AN ACT Relating to insurance coverage of the sales tax for
2 prescribed durable medical equipment and mobility enhancing equipment;
3 and adding a new section to chapter 48.43 RCW.

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

5 NEW SECTION. **Sec. 1.** A new section is added to chapter 48.43 RCW
6 to read as follows:

7 (1) Health plans issued or renewed on or after January 1, 2011,
8 that include coverage for prescribed durable medical equipment and
9 mobility enhancing equipment must include the sales tax or use tax
10 calculation in plan payment, consistent with the application of sales
11 tax in chapter 82.08 RCW or use tax in chapter 82.12 RCW.

12 (2) The payment for covered durable medical equipment and mobility
13 enhancing equipment must:

14 (a) Reflect the negotiated provider agreement for the prescribed
15 equipment; and

16 (b) Separately identify the sales tax or use tax calculation that
17 is included in the payment if the provider submitting a claim or
18 invoice for reimbursement submits to the health plan a claim or invoice
19 with a separate line item for the geographically adjusted sales tax.

1 (3) The following definitions apply to this section unless the
2 context clearly requires otherwise.

3 (a) "Durable medical equipment" means equipment, including repair
4 and replacement parts for durable medical equipment that:

- 5 (i) Can withstand repeated use;
- 6 (ii) Is primarily and customarily used to serve a medical purpose;
- 7 (iii) Generally is not useful to a person in the absence of illness
8 or injury; and
- 9 (iv) Is not worn in or on the body.

10 (b) "Mobility enhancing equipment" means equipment, including
11 repair and replacement parts for mobility enhancing equipment that:

- 12 (i) Is primarily and customarily used to provide or increase the
13 ability to move from one place to another and that is appropriate for
14 use either in a home or a motor vehicle;
- 15 (ii) Is not generally used by persons with normal mobility; and
- 16 (iii) Does not include any motor vehicle or equipment on a motor
17 vehicle normally provided by a motor vehicle manufacturer.

Passed by the Senate February 5, 2010.
Passed by the House February 28, 2010.
Approved by the Governor March 12, 2010.
Filed in Office of Secretary of State March 12, 2010.