
SENATE BILL 5169

State of Washington

67th Legislature

2021 Regular Session

By Senators Frockt, Holy, Carlyle, Das, Hunt, Kuderer, Lias, Randall, Robinson, and Wilson, C.

Read first time 01/12/21. Referred to Committee on Health & Long Term Care.

1 AN ACT Relating to provider reimbursement for personal protective
2 equipment during the state of emergency related to COVID-19; adding a
3 new section to chapter 48.43 RCW; creating new sections; providing a
4 contingent expiration date; and declaring an emergency.

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

6 NEW SECTION. **Sec. 1.** (1) The legislature finds that:

7 (a) The delivery of health care services is essential and
8 maintaining patient safety during the ongoing public health emergency
9 is paramount;

10 (b) Pursuant to state and federal regulations, and in the
11 interest of minimizing the risk of viral transmission, health care
12 providers have incurred substantially increased costs during the
13 public health emergency associated with the procurement of personal
14 protective equipment;

15 (c) Costs associated with providing care are typically factored
16 into contracts between a health carrier and a health care provider,
17 but the dramatically increased personal protective equipment costs
18 related to the pandemic, in terms of procurement and increased "per
19 unit" costs, were neither foreseeable nor contemplated in existing
20 contracts; and

1 (d) Health care providers do not want to bill patients directly
2 for costs associated with personal protective equipment, and in many
3 cases are precluded from doing so pursuant to terms of contract
4 between health care providers and health carriers, so many health
5 care providers currently do not have a mechanism to recoup costs of
6 personal protective equipment.

7 (2) Therefore, the legislature finds that to help ensure patient
8 safety and continued access to personal protective equipment, it is
9 necessary that health carriers reimburse health care providers for
10 costs associated with personal protective equipment.

11 NEW SECTION. **Sec. 2.** A new section is added to chapter 48.43
12 RCW to read as follows:

13 (1) For the duration of the state of emergency related to
14 COVID-19, a health carrier shall reimburse a health care provider who
15 bills for personal protective equipment as a separate expense, using
16 the American medical association's current procedural terminology
17 code 99072 or as subsequently amended, \$6.57 for each individual
18 patient encounter.

19 (2) For purposes of this section, cost sharing is limited to the
20 covered service according to the terms and conditions of the health
21 benefit plan and does not apply to an expense for personal protective
22 equipment.

23 NEW SECTION. **Sec. 3.** This act applies prospectively for the
24 duration of the state of emergency related to COVID-19, and
25 retroactively to claims associated with health care services
26 delivered on or after January 1, 2021.

27 NEW SECTION. **Sec. 4.** This act is necessary for the immediate
28 preservation of the public peace, health, or safety, or support of
29 the state government and its existing public institutions, and takes
30 effect immediately.

31 NEW SECTION. **Sec. 5.** (1) Section 2 of this act expires upon the
32 termination of the state of emergency under proclamation 20-05 and
33 any subsequent state of emergency issued pertaining to COVID-19.

34 (2) The governor shall provide written notice of the termination
35 date of the state of emergency under proclamation 20-05 and any
36 subsequent state of emergency issued pertaining to COVID-19 to

1 affected parties, the chief clerk of the house of representatives,
2 the secretary of the senate, the office of the code reviser, and
3 others as deemed appropriate by the governor.

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