
SENATE BILL 5723

State of Washington

53rd Legislature

1993 Regular Session

By Senator Rinehart

Read first time 02/10/93. Referred to Committee on Ways & Means.

1 AN ACT Relating to revenue collection by the department of social
2 and health services; amending RCW 43.20B.140; adding a new section to
3 chapter 43.20B RCW; adding a new section to chapter 48.21 RCW; adding
4 a new section to chapter 48.44 RCW; adding a new section to 48.46 RCW;
5 and creating a new section.

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

7 NEW SECTION. **Sec. 1.** A new section is added to chapter 43.20B RCW
8 to read as follows:

9 Whenever a notice and finding of responsibility, or appeal
10 therefrom, has become final, the department may file a lien against the
11 real and personal property of all persons found financially responsible
12 under RCW 43.20B.330 with the county auditor of the county where the
13 persons reside or own property.

14 **Sec. 2.** RCW 43.20B.140 and 1987 c 283 s 13 are each amended to
15 read as follows:

16 (1) The department is authorized to recover the cost of ((medical
17 care)) public assistance benefits provided under a program under

1 chapter 74.09 RCW provided to a recipient who was sixty-five years or
2 older, upon the recipient's death except:

3 (a) Where there is a surviving spouse; or

4 (b) Where there is a surviving child under ((21)) twenty-one years
5 of age or blind or disabled as defined in the state plan under Title
6 XIX of the social security act(~~(; or~~

7 ~~(c) To the extent of the first fifty thousand dollars of the estate~~
8 ~~value at the time of death, where there are surviving children other~~
9 ~~than as defined above, and not to exceed thirty five percent of the~~
10 ~~remainder)).~~

11 (2) The department may assert and enforce a claim against the
12 estate of the deceased recipient for the debt in subsection (1) of this
13 section, in accordance with chapter 11.40 RCW.

14 (3) The remedies in subsection (2) of this section are nonexclusive
15 and upon the death of the recipient, the department shall have a lien
16 for the debt in subsection (1) of this section. The lien attaches to
17 the real property of which the deceased recipient was seized
18 immediately before death. Upon subsequent filing of the notice thereof
19 with the county auditor of the county in which the real property is
20 located, the lien shall be deemed to relate back and be effective
21 against such property as of the date of the recipient's death.
22 Recovery under the lien shall be upon the sale or transfer of the
23 subject property.

24 NEW SECTION. Sec. 3. A new section is added to chapter 48.21 RCW
25 to read as follows:

26 An insurer providing group disability insurance coverage for health
27 care in this state shall waive a preauthorization requirement from the
28 insurer before an insured or the insured's covered dependents receive
29 mental health care and treatment rendered by a state hospital if the
30 insured or any of the insured's covered dependents are involuntarily
31 committed to a state hospital as defined in RCW 72.23.010.

32 NEW SECTION. Sec. 4. A new section is added to chapter 48.44 RCW
33 to read as follows:

34 A health care service contractor providing hospital or medical
35 services or benefits in this state shall waive a preauthorization from
36 the contractor before an insured or an insured's covered dependents
37 receive mental health treatment rendered by a state hospital as defined

1 in RCW 72.23.010 if the insured or the insured's covered dependents are
2 involuntarily committed to a state hospital as defined in RCW
3 72.23.010.

4 NEW SECTION. **Sec. 5.** A new section is added to chapter 48.46 RCW
5 to read as follows:

6 A health maintenance organization providing services or benefits
7 for hospital or medical care coverage in this state shall waive a
8 preauthorization from the health maintenance organization before an
9 enrolled participant or the enrolled participant's covered dependents
10 receive mental health treatment rendered by a state hospital as defined
11 in RCW 72.23.010 if the enrolled participant or the enrolled
12 participant's covered dependents are involuntarily committed to a state
13 hospital as defined in RCW 72.23.010.

14 NEW SECTION. **Sec. 6.** This act does not have the effect of
15 terminating or in any way modifying any liability, civil or criminal,
16 that is already in existence on the effective date of this act.

17 NEW SECTION. **Sec. 7.** If any provision of this act or its
18 application to any person or circumstance is held invalid, the
19 remainder of the act or the application of the provision to other
20 persons or circumstances is not affected.

--- END ---