

SENATE BILL REPORT

SB 6193

As Reported By Senate Committee On:
Health & Long-Term Care, February 4, 2004

Title: An act relating to exempting medical assistance determinations from independent review.

Brief Description: Exempting medical assistance determinations from independent review.

Sponsors: Senator Deccio.

Brief History:

Committee Activity: Health & Long-Term Care: 1/21/04, 2/4/04 [DPS].

SENATE COMMITTEE ON HEALTH & LONG-TERM CARE

Majority Report: That Substitute Senate Bill No. 6193 be substituted therefor, and the substitute bill do pass.

Signed by Senators Deccio, Chair; Winsley, Vice Chair; Brandland, Franklin, Keiser, Parlette and Thibaudeau.

Staff: Jonathan Seib (786-7427)

Background: The "Patient Bill of Rights" was enacted by the Legislature in 2000 and includes provisions authorizing health plan enrollees to seek review of a carrier's coverage or payment decisions from an independent review organization. A process for such review is also established. Enrollees in the managed care plans of the state's Medicaid program are among those to whom these provisions apply.

The Patient Bill of Rights also grants an enrollee, in certain circumstances, the right to sue his or her carrier. A suit may not be brought, however, unless the person first seeks relief from the independent review process.

Medicaid enrollees are also granted, under federal law, fair hearing rights for grievances. These rights tend to duplicate the rights afforded them under the state law. Time lines and other features imposed under the federal law, however, have made it very difficult to reconcile this federal process with the state independent review process. Because of the primacy of federal law, it is suggested that the duplication is best eliminated by exempting Medicaid from the state law.

Summary of Substitute Bill: Managed care plans under the state Medicaid program are exempt from the independent review process established under the Patient Bill of Rights. A person may not sue his or her carrier under the Patient Bill of Rights unless they first seek relief from an independent review organization or, in the case of Medicaid enrollees, from the Medicaid fair hearing process.

Substitute Bill Compared to Original Bill: The substitute bill adds the language to assure that a Medicaid enrollee's right to sue under the Patient Bill of Rights is not affected by the Medicaid exemption from the independent review process.

Appropriation: None.

Fiscal Note: Available.

Effective Date: Ninety days after adjournment of session in which bill is passed.

Testimony For: This bill reflects the committee's administrative simplification initiative. Recent federal changes make it very difficult to reconcile the independent review process with the fair hearing process. A recent JLARC report on Medicaid also noted the dual review opportunities available and the confusion this might cause. This bill reduces confusion, increases efficiency, and preserves the right of Medicaid enrollees to a dispute review process.

Testimony Against: None.

Testified: PRO: Mary Anne Lindeblad, DSHS Medical Assistance Administration.