

CERTIFICATION OF ENROLLMENT
ENGROSSED SECOND SUBSTITUTE SENATE BILL 5215

63rd Legislature
2013 Regular Session

Passed by the Senate April 23, 2013
YEAS 48 NAYS 0

President of the Senate

Passed by the House April 11, 2013
YEAS 97 NAYS 0

Speaker of the House of Representatives

Approved

Governor of the State of Washington

CERTIFICATE

I, Hunter G. Goodman, Secretary of the Senate of the State of Washington, do hereby certify that the attached is **ENGROSSED SECOND SUBSTITUTE SENATE BILL 5215** as passed by the Senate and the House of Representatives on the dates hereon set forth.

Secretary

FILED

**Secretary of State
State of Washington**

ENGROSSED SECOND SUBSTITUTE SENATE BILL 5215

AS AMENDED BY THE HOUSE

Passed Legislature - 2013 Regular Session

State of Washington 63rd Legislature 2013 Regular Session

By Senate Ways & Means (originally sponsored by Senators Becker, Holmquist Newbry, Ericksen, Dammeier, Honeyford, and Schlicher)

READ FIRST TIME 03/01/13.

1

2 AN ACT Relating to health care professionals contracting with
3 public and private payors; adding a new section to chapter 18.130 RCW;
4 and adding a new chapter to Title 48 RCW.

5

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

7

8 NEW SECTION. **Sec. 1.** The legislature finds that Washington state
9 is a provider friendly state within which to practice medicine. As
10 part of health care reform, Washington state endeavors to establish and
11 operate a state-based health benefits exchange wherein insurance
12 products will be offered for sale and add potentially three hundred
13 thousand patients to commercial insurance, and to expand access to
14 medicaid for potentially three hundred thousand new enrollees. Such a
15 successful and new insurance market in Washington state will require
16 the willing participation of all categories of health care providers.
17 The legislature further finds that principles of fair contracting apply
18 to all contracts between health care providers and health insurance
19 carriers offering insurance within Washington state and that fair

1 dealings and transparency in expectations should be present in
2 interactions between all third-party payors and health care providers.

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4 NEW SECTION. **Sec. 2.** The definitions in this section apply
5 throughout this chapter unless the context clearly requires otherwise.

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7 (1) "Health care provider" or "provider" has the same meaning as in
8 RCW 48.43.005 and, for the purposes of this chapter, includes
9 facilities licensed under chapter 70.41 RCW.

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11 (2) "Payor" or "third-party payor" means carriers licensed under
12 chapters 48.20, 48.21, 48.44, and 48.46 RCW, and managed health care
13 systems as defined in RCW 74.09.522.

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15 (3) "Material amendment" means an amendment to a contract between
16 a payor and health care provider that would result in requiring a
17 health care provider to participate in a health plan, product, or line
18 of business with a lower fee schedule in order to continue to
19 participate in a health plan, product, or line of business with a
20 higher fee schedule. A material amendment does not include any of the
21 following:

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23 (a) A decrease in payment or compensation resulting from a change
24 in a fee schedule published by the payor upon which the payment or
25 compensation is based and the date of applicability is clearly
26 identified in the contract, compensation addendum, or fee schedule
27 notice;

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29 (b) A decrease in payment or compensation that was anticipated
30 under the terms of the contract, if the amount and date of
31 applicability of the decrease is clearly identified in the contract; or

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33 (c) Changes unrelated to compensation so long as reasonable notice
34 of not less than sixty days is provided.

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36 NEW SECTION. **Sec. 3.** (1) A third-party payor shall provide no
37 less than sixty days' notice to the health care provider of any

1 proposed material amendments to a health care provider's contract with
2 the third-party payor.

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4 (2) Any material amendment to a contract must be clearly defined in
5 a notice to the provider from the third-party payor as being a material
6 change to the contract before the provider's notice period begins. The
7 notice must also inform the providers that they may choose to reject
8 the terms of the proposed material amendment through written or
9 electronic means at any time during the notice period and that such
10 rejection may not affect the terms of the health care provider's
11 existing contract with the third-party payor.

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14 (3) A health care provider's rejection of the material amendment
15 does not affect the terms of the health care provider's existing
16 contract with the third-party payor.

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18 (4) A failure to comply with the terms of subsections (1), (2), and
19 (3) of this section shall void the effectiveness of the material
20 amendment.

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22 NEW SECTION. **Sec. 4.** A payor may require a health care provider
23 to extend the payor's medicaid rates, or some percentage above the
24 payor's medicaid rates, that govern a health benefit program
25 administered by a public purchaser to a commercial plan or line of
26 business offered by a payor that is not administered by a public
27 purchaser only if the health care provider has expressly agreed in
28 writing to the extension. For the purposes of this section,
29 "administered by a public purchaser" does not include commercial
30 coverage offered through the Washington health benefit exchange.
31 Nothing in this section prohibits a payor from utilizing medicaid
32 rates, or some percentage above medicaid rates, as a base when
33 negotiating payment rates with a health care provider.

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35 NEW SECTION. **Sec. 5.** A new section is added to chapter 18.130 RCW
36 to read as follows:

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No licensee subject to this chapter may be required to participate in any public or private third-party reimbursement program or any plans or products offered by a payor as a condition of licensure.

NEW SECTION. **Sec. 6.** Sections 1 through 4 of this act constitute a new chapter in Title 48 RCW.

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