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**SENATE BILL 5410**

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**State of Washington 65th Legislature 2017 Regular Session**

**By** Senators Rivers, Cleveland, Bailey, Conway, and Keiser

AN ACT Relating to contracts between insurance carriers and vision care providers; adding a new section to chapter 48.39 RCW; and prescribing penalties.

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

NEW SECTION. **Sec.**  A new section is added to chapter 48.39 RCW to read as follows:

(1) A contract between a vision care provider and an entity that offers vision care insurance or a vision care discount care plan may not:

(a) Limit or specify the fee that a vision care provider may charge for vision care services or materials that are not reimbursed, in whole or in part, by the vision care insurance or discount care plan;

(b) Require a vision care provider to participate in one vision care insurance plan or discount care program as a condition for participating in another insurance plan;

(c) Change the terms, the contractual discount, or the reimbursement rates, under vision care insurance or a vision care discount card, without a signed acknowledgment that the vision care provider agrees to the changes; or

(d) Directly or indirectly restrict or limit a vision care provider's choice of suppliers of materials, including optical labs.

(2)(a) "Contractual discount" means a percentage reduction required under a contract with an insurer, in a vision care provider's usual and customary rate for vision care services and materials.

(b) "Discount plan" means a card or other purchasing mechanism or device that is not insurance, under this title, or a discount plan, as defined in chapter 48.155 RCW, that purports to offer discounts or access to discounts in health-related purchases from health care providers.

(c) "Insurer" or "health benefit plan" means a carrier licensed under chapters 48.20, 48.21, 48.44, and 48.46 RCW.

(d) "Materials" includes, but is not limited to:

(i) Lenses;

(ii) Devices containing lenses;

(iii) Contact lenses;

(iv) Prisms;

(v) Lens treatments and contact lens coatings;

(vi) Orthopedic or prosthetic devices to correct, relieve, or treat defects or abnormal conditions of the human eye or adnexa; and

(vii) Vision training.

(e) "Vision care insurance" means a health benefit plan or a policy or certificate of insurance that covers vision care services and materials.

(f) "Vision care provider" includes a person licensed to practice optometry under chapter 18.53 RCW, and a physician licensed under chapter 18.71 RCW, or osteophathic physician licensed under chapter 18.57 RCW who has completed a residency program in ophthalmology, or a dispensing optician licensed under chapter 18.34 RCW.

(g) "Vision care services" means services provided by a vision care provider within the scope of the provider's license to practice optometry or ophthalmology.

(3) If the commissioner finds there have been any violations or restrictions of the contractual requirements detailed in subsection (1) of this section, the commissioner may impose a civil penalty of not less than one thousand dollars and not more than ten thousand dollars for each violation, except that if it is a first violation by the party involved and the commissioner finds that the violation or attempted violation did not result in significant harm to human health, the commissioner may issue a warning instead of imposing a civil penalty.

(4) The requirements of this section apply to contracts, addendum, and certificates executed, delivered, issued for delivery, or renewed on or after the effective date of this section.

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