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SECOND ENGROSSED SECOND SUBSTITUTE SENATE BILL 5580

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State of Washington

68th Legislature

2023 Regular Session

**By** Senate Ways & Means (originally sponsored by Senators Muzzall, Cleveland, Braun, Rivers, Warnick, Hasegawa, Kuderer, Lovelett, Randall, Shewmake, and J. Wilson)

READ FIRST TIME 02/24/23.

1 AN ACT Relating to improving maternal health outcomes; amending  
2 RCW 74.09.830; and adding new sections to chapter 74.09 RCW.

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

4 NEW SECTION. **Sec. 1.** A new section is added to chapter 74.09  
5 RCW to read as follows:

6 (1) By no later than January 1, 2025, the authority shall create  
7 a postdelivery and transitional care program that allows for extended  
8 postdelivery hospital care for people with a substance use disorder  
9 at the time of delivery. The authority shall:

10 (a) Allow for up to five additional days of hospitalization stay  
11 for the birth parent;

12 (b) Provide the birth parent access to integrated care and  
13 medical services including, but not limited to, access to clinical  
14 health, medication management, behavioral health, addiction medicine,  
15 specialty consultations, and psychiatric providers;

16 (c) Provide the birth parent access to social work support which  
17 includes coordination with the department of children, youth, and  
18 families to develop a plan for safe care;

19 (d) Allow dedicated time for health professionals to assist in  
20 facilitating early bonding between the birth parent and infant by

1 helping the birth parent recognize and respond to their infant's  
2 cues; and

3 (e) Establish provider requirements and pay only those qualified  
4 providers for the services provided through the program.

5 (2) In administering the program, the authority shall seek any  
6 available federal financial participation under the medical  
7 assistance program, as codified at Title XIX of the federal social  
8 security act, the state children's health insurance program, as  
9 codified at Title XXI of the federal social security act, and any  
10 other federal funding sources that are now available or may become  
11 available.

12 NEW SECTION. **Sec. 2.** A new section is added to chapter 74.09  
13 RCW to read as follows:

14 (1) Subject to the amounts appropriated for this specific  
15 purpose, the authority shall update the maternity support services  
16 program to address perinatal outcomes and increase equity and  
17 healthier birth outcomes. By January 1, 2025, the authority shall:

18 (a) Update current screening tools to be culturally relevant,  
19 include current risk factors, ensure the tools address health equity,  
20 and include questions identifying various social determinants of  
21 health that impact a healthy birth outcome and improve health equity;

22 (b) Ensure care coordination, including sharing screening tools  
23 with the patient's health care providers as necessary;

24 (c) Develop a mechanism to collect the results of the maternity  
25 support services screenings and evaluate the outcomes of the program.  
26 At minimum, the program evaluation shall:

27 (i) Identify gaps, strengths, and weaknesses of the program; and

28 (ii) Make recommendations for how the program may improve to  
29 better align with the authority's maternal and infant health  
30 initiatives; and

31 (d) Increase the allowable benefit and reimbursement rates with  
32 the goal of increasing utilization of services to all eligible  
33 maternity support services clients who choose to receive the  
34 services.

35 (2) The authority shall adopt rules to implement this section.

36 NEW SECTION. **Sec. 3.** A new section is added to chapter 74.09  
37 RCW to read as follows:

1 By November 1, 2024, the income standards for a pregnant person  
2 eligible for Washington apple health pregnancy coverage shall have  
3 countable income equal to or below 210 percent of the federal poverty  
4 level.

5 **Sec. 4.** RCW 74.09.830 and 2021 c 90 s 2 are each amended to read  
6 as follows:

7 (1) The authority shall extend health care coverage from 60 days  
8 postpartum to one year postpartum for pregnant or postpartum persons  
9 who, on or after the expiration date of the federal public health  
10 emergency declaration related to COVID-19, are receiving postpartum  
11 coverage provided under this chapter.

12 (2) By June 1, 2022, the authority must:

13 (a) Provide health care coverage to postpartum persons who reside  
14 in Washington state, have countable income equal to or below 193  
15 percent of the federal poverty level, and are not otherwise eligible  
16 under Title XIX or Title XXI of the federal social security act; and

17 (b) Ensure all persons approved for pregnancy or postpartum  
18 coverage at any time are continuously eligible for postpartum  
19 coverage for 12 months after the pregnancy ends regardless of whether  
20 they experience a change in income during the period of eligibility.

21 (3) By November 1, 2024, the income standards for a postpartum  
22 person eligible for Washington apple health pregnancy or postpartum  
23 coverage shall have countable income equal to or below 210 percent of  
24 the federal poverty level.

25 (4) Health care coverage under this section must be provided  
26 during the 12-month period beginning on the last day of the  
27 pregnancy.

28 ~~((4))~~ (5) The authority shall not provide health care coverage  
29 under this section to individuals who are eligible to receive health  
30 care coverage under Title XIX or Title XXI of the federal social  
31 security act. Health care coverage for these individuals shall be  
32 provided by a program that is funded by Title XIX or Title XXI of the  
33 federal social security act. Further, the authority shall make every  
34 effort to expedite and complete eligibility determinations for  
35 individuals who are presumptively eligible to receive health care  
36 coverage under Title XIX or Title XXI of the federal social security  
37 act to ensure the state is receiving the maximum federal match. This  
38 includes, but is not limited to, working with the managed care  
39 organizations to provide continuous outreach in various modalities

1 until the individual's eligibility determination is completed.  
2 Beginning January 1, 2022, the authority must submit quarterly  
3 reports to the caseload forecast work group on the number of  
4 individuals who are presumptively eligible to receive health care  
5 coverage under Title XIX or Title XXI of the federal social security  
6 act but are awaiting for the authority to complete eligibility  
7 determination, the number of individuals who were presumptively  
8 eligible but are now receiving health care coverage with the maximum  
9 federal match under Title XIX or Title XXI of the federal social  
10 security act, and outreach activities including the work with managed  
11 care organizations.

12 ~~((5))~~ (6) To ensure continuity of care and maximize the  
13 efficiency of the program, the amount and scope of health care  
14 services provided to individuals under this section must be the same  
15 as that provided to pregnant and postpartum persons under medical  
16 assistance, as defined in RCW 74.09.520.

17 ~~((6))~~ (7) In administering this program, the authority must  
18 seek any available federal financial participation under the medical  
19 assistance program, as codified at Title XIX of the federal social  
20 security act, the state children's health insurance program, as  
21 codified at Title XXI of the federal social security act, and any  
22 other federal funding sources that are now available or may become  
23 available. This includes, but is not limited to, ensuring the state  
24 is receiving the maximum federal match for individuals who are  
25 presumptively eligible to receive health care coverage under Title  
26 XIX or Title XXI of the federal social security act by expediting  
27 completion of the individual's eligibility determination.

28 ~~((7))~~ (8) Working with stakeholder and community organizations  
29 and the Washington health benefit exchange, the authority must  
30 establish a comprehensive community education and outreach campaign  
31 to facilitate applications for and enrollment in the program or into  
32 a more appropriate program where the state receives maximum federal  
33 match. Subject to the availability of amounts appropriated for this  
34 specific purpose, the education and outreach campaign must provide  
35 culturally and linguistically accessible information to facilitate  
36 participation in the program, including but not limited to enrollment  
37 procedures, program services, and benefit utilization.

38 ~~((8))~~ (9) Beginning January 1, 2022, the managed care  
39 organizations contracted with the authority to provide postpartum  
40 coverage must annually report to the legislature on their work to

1 improve maternal health for enrollees, including but not limited to  
2 postpartum services offered to enrollees, the percentage of enrollees  
3 utilizing each postpartum service offered, outreach activities to  
4 engage enrollees in available postpartum services, and efforts to  
5 collect eligibility information for the authority to ensure the  
6 enrollee is in the most appropriate program for the state to receive  
7 the maximum federal match.

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