

1 **2SHB 2217** - H AMDS **153 ADOPTED 2-9-96**

2 By Representatives Carrell, Tokuda, and Cooke

3 On page 3, line 18, after "parents." insert "The provider
4 shall provide notice only if (a) the minor signs a written consent
5 authorizing the disclosure in accordance with sections 523 and 527
6 of the Public Health Services Act (42 USC 290dd-3, 290ee-3) as
7 implemented by 42 CFR Sec. 2.31 (1994) and as hereafter amended, or
8 (b) the consent of the minor's parent, parents, custodian or
9 guardian is unnecessary for the minor to receive treatment and the
10 program or facility director determines that the minor lacks
11 capacity to make a rational choice regarding consenting to
12 disclosure."

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14 On page 3, line 22 strike paragraph (2) and insert the
15 following:

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17 "(2) Any provider of outpatient treatment who provides
18 outpatient treatment to a minor shall provide notice of the minor's
19 request for treatment to the minor's parents if (a) the minor signs
20 a written consent authorizing the disclosure in accordance with
21 sections 523 and 527 of the Public Health Services Act (42 USC
22 290dd-3, 290ee-3) as implemented by 42 CFR Sec. 2.31 (1994) and as
23 hereafter amended, or (b) if the minor is less than thirteen years
24 of age and the program or facility director determines that the
25 minor lacks capacity to make a rational choice regarding consenting
26 to disclosure. The notice shall be made within seven days of the
27 request for treatment, excluding Saturdays, Sundays, and holidays,
28 and shall contain the same information as required under RCW
29 71.34.030(2)(b).

30 (3) A parent, parents, custodian or guardian of a minor is
31 not obligated to pay for any services provided to the minor under

1 70.96A.095(1) if within seven working days of the minor's request
2 for treatment, the provider did not notify the minor's parent,
3 parents, custodian or guardian that those services were being
4 provided. Notwithstanding any provision of any insurance contract
5 or agreement entered into after the effective date of this act,
6 benefits shall not be provided under the contract or agreement for
7 the treatment of a minor if within seven working days of the
8 minor's request for treatment, the provider did not notify the
9 minor's parent, custodian or guardian that services were being
10 provided. This section shall not apply if the treatment provider
11 has made reasonable attempts to notify the minor's parent, parents,
12 custodian, or guardian but has not been able to contact them within
13 seven days of the minor's request for treatment. In accordance
14 with sections 523 and 527 of the Public Health Services Act (42 USC
15 290dd-3, 290ee-3) as implemented by 42 CFR Sec. 2.14 (1994) and
16 hereafter amended, a treatment provider may refuse to provide
17 treatment until a minor patient consents to disclosure necessary to
18 obtain reimbursement."

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20 On page 4, after line 18, insert the following:

21

22 "NEW SECTION. **Sec. 9.** A new section is added to chapter
23 48.20 RCW to read as follows:

24 Notwithstanding any provision of any disability insurance
25 contract entered into after the effective date of this act,
26 benefits shall not be provided under the contract to a minor by an
27 "approved treatment program" under RCW 70.96A.020(3) if the
28 treatment provider did not notify the minor's parent, parents,
29 custodian, or guardian of the minor's treatment within seven days
30 of the minor's request for treatment. This section shall not apply
31 if the provider has made reasonable attempts to notify the minor's
32 parent, parents, custodian, or guardian but has not been able to

1 contact them within seven days of the minor's request for
2 treatment.

3
4 NEW SECTION. **Sec. 10.** A new section is added to chapter
5 48.21 RCW to read as follows:

6 Notwithstanding the provisions in RCW 48.21.180 or any
7 provision of any group or blanket disability insurance contract
8 entered into after the effective date of this act, benefits shall
9 not be provided under the contract to a minor by an "approved
10 treatment program" under RCW 70.96A.020(3) if the treatment
11 provider did not notify the minor's parent, parents, custodian, or
12 guardian the minor's treatment within seven days of the minor's
13 request for treatment. This section shall not apply if the
14 provider has made reasonable attempts to notify the minor's parent,
15 parents, custodian, or guardian but has not been able to contact
16 them within seven days of the minor's request for treatment.

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18 NEW SECTION. **Sec. 11.** A new section is added to chapter
19 48.44 RCW to read as follows:

20 Notwithstanding the provisions in RCW 48.44.240, or any
21 provision of any individual or group contract for health care
22 services entered into after the date of this act, benefits shall
23 not be provided under the contract to a minor by an "approved
24 treatment program" under RCW 70.96A.020(3) if the treatment
25 provider did not notify the minor's parent, parents, custodian, or
26 guardian of the minor's treatment within seven days of the minor's
27 request for treatment. This section shall not apply if the
28 provider has made reasonable attempts to notify the minor's parent,
29 parents, custodian, or guardian but has not been able to contact
30 them within seven days of the minor's request for treatment.

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32 NEW SECTION. **Sec. 12.** A new section is added to chapter
33 48.46 RCW to read as follows:

1 Notwithstanding the provisions in RCW 48.46.350, or any
2 provision of any health maintenance agreement entered into after
3 the date of this act, benefits shall not be provided under the
4 agreement to a minor by an "approved treatment program" under RCW
5 70.96A.020(3) if the treatment provider did not notify the minor's
6 parent, parents, custodian, or guardian of the minor's treatment
7 within seven days of the minor's request for treatment. This
8 section shall not apply if the provider has made reasonable
9 attempts to notify the minor's parent, parents, custodian, or
10 guardian but has not been able to contact them within seven days of
11 the minor's request for treatment.

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13 NEW SECTION. **Sec. 13.** Section 10 of this act shall not be
14 codified between RCW 48.21.160 through RCW 48.21.197 as it is the
15 intent of section 10 of this act to have the provisions of that
16 section included within basic group disability insurance policies
17 as described in RCW 48.21.045."

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19 Please renumber sections consecutively, correct internal references
20 accordingly and correct the title accordingly.

EFFECT: First, sections five through seven of the bill are made consistent with federal regulations. Second, parents and their insurance carriers are relieved from financial liability for any treatment provided to a minor by a chemical dependency treatment center for which a minor's parents were not notified of or for which a reasonable attempt to notify the parents was not been made.