

1 **SHB 2839 - H AMD 280**

2 By Representatives Cody and Morris

3 On page 9, after line 6, insert the following:

4 "NEW SECTION. **Sec 10.** A new section is added to chapter  
5 48.43 RCW to read as follows:

6 (1) No public or private health carrier subject to the  
7 jurisdiction of the state of Washington may propose, issue, sign,  
8 or renew an agreement of any kind, including an enrollee service  
9 agreement, that contains a clause or language whose effect, in any  
10 way, is to disclaim liability for the care delivered or not  
11 delivered to an enrollee because of a decision of the health  
12 carrier as to whether the care was a covered service, medically  
13 necessary, economically provided, medically appropriate, or similar  
14 consideration.

15 (2) No public or private health carrier subject to the  
16 jurisdiction of the state of Washington may propose, issue, sign,  
17 or renew an agreement of any kind, including an enrollee service  
18 agreement, that contains a clause or language whose effect, in any  
19 way, is to shift liability to the provider or the patient, or both,  
20 for the care delivered or not delivered in material part because of  
21 a payment or other related decision of the health carrier. A  
22 clause is a violation of this subsection if, by way of illustration  
23 and not limitation, it says that the decision to obtain care is  
24 between the provider and the patient, failing to acknowledge the  
25 role of payment in such decisions.

26 (3) Nothing in this section is to be construed to create new  
27 liability on anyone for the health carrier's payment or related  
28 decisions. The intent of this section is only to prevent health  
29 carriers from disclaiming or shifting any existing liability to  
30 either providers or patients, or both."

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1           Renumber the remaining section consecutively and correct the  
2 title accordingly.

**EFFECT:** Prohibits health carriers from shifting liability for their decisions not to pay for health services to the provider or patient.