

1 **SHB 2839** - H AMD to H AMD (2839-S AMH .... H5044.3) **263**

2 By Representatives Cody, Morris and others

3 On page 2 of the amendment, after line 9, insert the  
4 following:

5 "NEW SECTION. **Sec 2.** A new section is added to chapter 48.43  
6 RCW to read as follows:

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

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

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

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1 Correct the title accordingly.

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