

2 **ESHB 1589** - S COMM AMD

3 By Committee on Health & Long-Term Care

4 ADOPTED 4/14/95

5 Strike everything after the enacting clause and insert the
6 following:

7 "NEW SECTION. **Sec. 1.** A new section is added to chapter 43.70 RCW
8 to read as follows:

9 QUALITY ASSURANCE--INTERAGENCY COOPERATION--ELIMINATION AND
10 COORDINATION OF DUPLICATE STATE PROGRAMS. No later than July 1, 1995,
11 the department of health together with the health care authority, the
12 department of social and health services, the office of the insurance
13 commissioner, and the department of labor and industries shall form an
14 interagency group for coordination and consultation on quality
15 assurance activities. By December 31, 1996, the group shall review all
16 state agency programs governing health service quality assurance and
17 shall recommend to the legislature, the consolidation, coordination, or
18 elimination of rules and programs that would be made unnecessary
19 pursuant to the development of a uniform quality assurance and
20 improvement program.

21 NEW SECTION. **Sec. 2.** A new section is added to chapter 48.43 RCW
22 to read as follows:

23 No public or private health care payer subject to the jurisdiction
24 of the state of Washington shall propose, issue, sign, or renew a
25 provider agreement or enrollee service agreement that contains a clause
26 whose effect, in any way, is to disclaim liability for the care
27 delivered or not delivered to an enrollee because of a decision of the
28 payer as to whether the care was a covered service, medically
29 necessary, economically provided, medically appropriate, or similar
30 consideration. Similarly, no clause shall attempt to shift liability
31 for harm caused by such payer decision as to whether care should be
32 delivered, as opposed to paid for, is between the provider and patient
33 alone as if the fact of whether or not care is paid for played little
34 or no role in a patient's decision to obtain care. Nothing in this
35 section shall be inferred to result in liability to anyone for the

1 payer's payment decisions that are consistent with the language of the
2 applicable service agreement or consistent with the cost-effective
3 delivery of health care. The intent of this section is only to prevent
4 payers from shifting their liability for payment decisions to either
5 providers, or enrollees, or both.

6 NEW SECTION. **Sec. 3.** RCW 70.170.080 and 1993 sp.s. c 24 s 925,
7 1991 sp.s. c 13 s 71, & 1989 1st ex.s. c 9 s 508 are each repealed.

8 NEW SECTION. **Sec. 4.** If specific funding through the health
9 services account to continue the comprehensive hospital abstract
10 reporting system is not provided by June 30, 1995, in the omnibus
11 appropriations act, section 3 of this act is null and void.

12 NEW SECTION. **Sec. 5.** CAPTIONS. Captions as used in this act
13 constitute no part of the law.

14 NEW SECTION. **Sec. 6.** SEVERABILITY. If any provision of this act
15 or its application to any person or circumstance is held invalid, the
16 remainder of the act or the application of the provision to other
17 persons or circumstances is not affected.

18 NEW SECTION. **Sec. 7.** EMERGENCY CLAUSE--EFFECTIVE DATE. This act
19 is necessary for the immediate preservation of the public peace,
20 health, or safety, or support of the state government and its existing
21 public institutions, and shall take effect July 1, 1995."

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25 On page 1, line 1 of the title, after "assurance;" strike the
26 remainder of the title and insert "adding a new section to chapter
27 43.70 RCW; adding a new section to chapter 48.43 RCW; creating new
28 sections; repealing RCW 70.170.080; providing an effective date; and
29 declaring an emergency."

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