

1 **2SHB 2331 - H AMD 470 FAILED 2-14-00**

2 By Representative Alexander

3 On page 17, line 35, strike all of subsection 7 and insert the
4 following:

5 (7)(a) An enrollee or an enrollee's representative may not
6 maintain a cause of action under this section against a health carrier
7 unless:

8 (i) The affected enrollee or the enrollee's representative has
9 sought independent review of the health care treatment decision under
10 section 11 of the act;

11 (ii) The independent review organization has overturned the
12 carrier's decision to modify, discontinue, or deny a health service;
13 and

14 (iii) The carrier's decision to modify, discontinue, or deny an
15 otherwise covered health service caused substantial harm to the
16 enrollee. As used in this subsection, substantial harm- means loss of
17 life, loss or significant impairment of limb or bodily function,
18 significant disfigurement, severe or chronic pain or disease, or
19 substantial mental impairment that results in the inability of the
20 enrollee to meet his or her basic needs.

21 (b) This subsection (7) does not prohibit an enrollee from
22 pursuing injunctive relief or declaratory judgement prior to completing
23 independent review if the time required to complete independent review
24 would place the enrollee's life or health in serious jeopardy.-

EFFECT: Allows a person to maintain a cause of action only if the independent review rules against a carrier's decision to modify, discontinue, or deny a health service.