

# SENATE BILL REPORT

## SB 5964

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As Reported By Senate Committee On:  
Health & Long-Term Care, January 29, 2004

**Title:** An act relating to insurance coverage for injuries sustained because of alcohol or narcotic use.

**Brief Description:** Preventing denial of insurance coverage for injuries caused by narcotic or alcohol use.

**Sponsors:** Senators Thibaudeau, Winsley and Kohl-Welles.

**Brief History:**

**Committee Activity:** Health & Long-Term Care: 1/22/04, 1/27/04, 1/29/04 [DP].

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### SENATE COMMITTEE ON HEALTH & LONG-TERM CARE

**Majority Report:** Do pass.

Signed by Senators Deccio, Chair; Winsley, Vice Chair; Brandland, Parlette and Thibaudeau.

**Staff:** Jonathan Seib (786-7427)

**Background:** Current law, adopted in 1947 as part of the Uniform Policy Provision Law, explicitly allows individual disability insurance policies to include a provision under which the insurer may deny payment for the treatment of injuries sustained as a consequence of the insured person being intoxicated or under the influence of a narcotic.

This provision applies only to individual disability insurance policies, and in those policies it is not frequently used. There is concern, however, that the mere existence of the law is problematic. Trauma centers, for example, may not measure the blood alcohol level of an injured patient because of the possibility that doing so will result in payment denial. By not measuring blood alcohol level, the opportunity to identify those who could benefit from alcohol or substance abuse treatment may be missed.

**Summary of Bill:** The law allowing individual disability insurance policies to deny payment for the treatment of injuries sustained as a consequence of the insured person being intoxicated or under the influence of a narcotic is repealed.

All health carriers are explicitly prohibited from denying coverage for the treatment of an injury solely because the injury was sustained as a consequence of the insured's being intoxicated or under the influence of alcohol.

**Appropriation:** None.

**Fiscal Note:** Not requested.

**Effective Date:** Ninety days after adjournment of session in which bill is passed.

**Testimony For:** Addressing this issue is a priority of trauma surgeons nationally. The current law does not serve to reduce insurance costs. Rather, it serves as a disincentive to test injured patients for alcohol or substance abuse at the very point when intervention for such abuse is most effective. Allowing those who need treatment to be identified will result in reduced health care costs by preventing additional substance abuse-related injuries. The bill is a win-win for all parties involved.

**Testimony Against:** None.

**Testified:** PRO: Dr. Larry Gentilello, American Association of Surgery for Trauma; Dr. Eileen Bulger, American College of Surgery Committee on Trauma; Francine Terrell; Karen Minahan, Mothers Against Drunk Driving; Ken Stark, DSHS.

Signed In/Did Not Testify: PRO: Priscilla Lisicich, Marianne Whalen, Governor's Council on Substance Abuse.