
SENATE BILL 5878

State of Washington

58th Legislature

2003 Regular Session

By Senators Prentice, Mulliken, Esser, Deccio, Regala, Parlette, Rasmussen and Stevens

Read first time 02/18/2003. Referred to Committee on Health & Long-Term Care.

1 AN ACT Relating to the right of health care providers, carriers,
2 and facilities to limit participation in or payment of services by
3 reason of conscience or religion; and amending RCW 48.43.065 and
4 70.47.160.

5 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

6 **Sec. 1.** RCW 48.43.065 and 1995 c 265 s 25 are each amended to read
7 as follows:

8 (1) The legislature recognizes that every individual possesses a
9 fundamental right to exercise their religious beliefs and conscience.
10 The legislature further recognizes that in developing public policy,
11 conflicting religious and moral beliefs must be respected. Therefore,
12 while recognizing the right of conscientious objection to participating
13 in specific health services, the state shall also recognize the right
14 of individuals enrolled with plans containing the basic health plan
15 services to receive the full range of services covered under the plan.

16 (2)(a) No individual health care provider, religiously sponsored
17 health carrier, or health care facility may be required by law or
18 contract in any circumstances to participate in the provision of or

1 payment for a specific service if they object to so doing for reason of
2 conscience or religion. No person may be discriminated against in
3 employment or professional privileges because of such objection.

4 (b) The provisions of this section are not intended to result in an
5 enrollee being denied timely access to any service included in the
6 basic health plan services. Each health carrier shall:

7 (i) Provide written notice to enrollees, upon enrollment with the
8 plan, listing services that the carrier refuses to cover for reason of
9 conscience or religion;

10 (ii) Provide written information describing how an enrollee may
11 directly access services in an expeditious manner; and

12 (iii) Ensure that enrollees refused services under this section
13 have prompt access to the information developed pursuant to (b)(ii) of
14 this subsection.

15 (c) The insurance commissioner shall establish by rule a mechanism
16 or mechanisms to recognize the right to exercise conscience while
17 ensuring enrollees timely access to services and to assure prompt
18 payment to service providers.

19 (3)(a) No individual or organization with a religious or moral
20 tenet opposed to a specific service may be required to purchase or
21 otherwise provide coverage for that service or services if they object
22 to doing so for reason of conscience or religion.

23 (b) The provisions of this section shall not result in an enrollee
24 being denied coverage of, and timely access to, any service or services
25 excluded from their benefits package as a result of their employer's or
26 another individual's exercise of the conscience clause in (a) of this
27 subsection.

28 (c) The insurance commissioner shall define by rule the process
29 through which health carriers may offer the basic health plan services
30 to individuals and organizations identified in (a) and (b) of this
31 subsection in accordance with the provisions of subsection (2)(c) of
32 this section.

33 (4) Nothing in this section requires a health carrier, health care
34 facility, or health care provider to provide any health care services
35 without appropriate payment of premium or fee.

36 **Sec. 2.** RCW 70.47.160 and 1995 c 266 s 3 are each amended to read
37 as follows:

1 (1) The legislature recognizes that every individual possesses a
2 fundamental right to exercise their religious beliefs and conscience.
3 The legislature further recognizes that in developing public policy,
4 conflicting religious and moral beliefs must be respected. Therefore,
5 while recognizing the right of conscientious objection to participating
6 in specific health services, the state shall also recognize the right
7 of individuals enrolled with the basic health plan to receive the full
8 range of services covered under the basic health plan.

9 (2)(a) No individual health care provider, religiously sponsored
10 health carrier, or health care facility may be required by law or
11 contract in any circumstances to participate in the provision of or
12 payment for a specific service if they object to so doing for reason of
13 conscience or religion. No person may be discriminated against in
14 employment or professional privileges because of such objection.

15 (b) The provisions of this section are not intended to result in an
16 enrollee being denied timely access to any service included in the
17 basic health plan. Each health carrier shall:

18 (i) Provide written notice to enrollees, upon enrollment with the
19 plan, listing services that the carrier refuses to cover for reason of
20 conscience or religion;

21 (ii) Provide written information describing how an enrollee may
22 directly access services in an expeditious manner; and

23 (iii) Ensure that enrollees refused services under this section
24 have prompt access to the information developed pursuant to (b)(ii) of
25 this subsection.

26 (c) The administrator shall establish a mechanism or mechanisms to
27 recognize the right to exercise conscience while ensuring enrollees
28 timely access to services and to assure prompt payment to service
29 providers.

30 (3)(a) No individual or organization with a religious or moral
31 tenet opposed to a specific service may be required to purchase or
32 otherwise provide coverage for that service or services if they object
33 to doing so for reason of conscience or religion.

34 (b) The provisions of this section shall not result in an enrollee
35 being denied coverage of, and timely access to, any service or services
36 excluded from their benefits package as a result of their employer's or
37 another individual's exercise of the conscience clause in (a) of this
38 subsection.

1 (c) The administrator shall define the process through which health
2 carriers may offer the basic health plan to individuals and
3 organizations identified in (a) and (b) of this subsection in
4 accordance with the provisions of subsection (2)(c) of this section.

5 (4) Nothing in this section requires the health care authority,
6 health carriers, health care facilities, or health care providers to
7 provide any basic health plan service without payment of appropriate
8 premium share or enrollee cost sharing.

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