
SENATE BILL 5923

State of Washington

58th Legislature

2003 Regular Session

By Senators Stevens, Reardon and Esser

Read first time 02/20/2003. Referred to Committee on Health & Long-Term Care.

1 AN ACT Relating to access to appropriate care for patients under
2 state programs; and adding a new section to chapter 41.05 RCW.

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

4 NEW SECTION. **Sec. 1.** A new section is added to chapter 41.05 RCW
5 to read as follows:

6 (1) The authority shall use its powers and rule-making authority
7 under this chapter to develop a program to protect patient access to
8 medical treatments provided by any health profession under RCW
9 18.130.040. This program applies to any state agency that adopts rules
10 limiting patients' access to the full range of medical treatments
11 available and necessary to treat their medical problems. The program
12 must be based on the following operational principles and state
13 agencies must bring their rules into compliance with these principles:

14 (a) When any treatment is subject to prior authorization, the
15 agency must provide health professions and patients with a specific set
16 of clinical criteria setting forth the terms under which the treatment
17 is authorized for coverage;

18 (b) When authorization for any treatment is denied, the agency must
19 promptly provide both the patient and health professional with a

1 written explanation of the reasons for denial. The explanation must be
2 specific to the individual patients' condition and be written in clear
3 language that is comprehensible to the patient;

4 (c) When a health professional and patient have established a
5 successful treatment regimen that is covered under an agency's program,
6 the agency may not place restrictions or exclusions on any part of the
7 established treatment regimen, including prescription medicines;

8 (d) A pharmacist filling a prescription under a state program using
9 a preferred drug list or formulary drug schedule may not substitute a
10 preferred drug or formulary drug within a given therapeutic class when
11 the prescribing health professional has indicated on the prescription
12 that the nonpreferred or nonformulary drug must be dispensed as
13 written; and

14 (e) Before making a decision to restrict access to treatment for a
15 medical problem, the agency must seek and consider comments from
16 practicing health professionals and patient groups familiar with the
17 medical problem.

18 (2) The program under this section must provide for regular reports
19 to the legislature on health care outcomes and overall financial
20 impacts on the provision of health care services.

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