

SHB 2465 - S COMM AMD
By Committee on Health Care

1 Strike everything after the enacting clause and insert the
2 following:

3 "NEW SECTION. **Sec. 1.** The legislature finds that a significant
4 percentage of pregnancies are unintended and could be averted with
5 broader access to health care and effective contraception. Providing
6 broader access to contraceptive drugs for women covered by medicaid
7 programs could avert up to twenty-six percent of unintended
8 pregnancies and result in an estimated four million dollars per
9 biennium in savings for Washington health care programs. Research
10 suggests that moving from twenty-eight day dispensing of
11 contraceptive drugs to twelve-month dispensing improves adherence to
12 maintenance of the drugs and effective use of the contraceptives. It
13 is therefore the intent of the legislature to require private health
14 insurers, the health care authority, and all medicaid programs, fee-
15 for-service and managed care, to require dispensing of contraceptive
16 drugs with up to a twelve-month supply provided at one time.

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

19 A health benefit plan issued or renewed on or after January 1,
20 2017, that includes coverage for contraceptive drugs must provide
21 reimbursement for a twelve-month refill of contraceptive drugs
22 obtained at one time by the enrollee after the enrollee has completed
23 the initial supply of the drugs, unless the enrollee requests a
24 smaller supply or the prescribing provider instructs that the
25 enrollee must receive a smaller supply. A twelve-month refill may be
26 denied if requested during the fourth quarter of the calendar year if
27 a twelve-month refill has already been dispensed during the calendar
28 year to the enrollee. Any dispensing practices required by the plan
29 must follow clinical guidelines for appropriate prescribing and
30 dispensing to ensure the health of the patient while maximizing
31 access to effective contraceptive drugs. When a twelve-month refill

1 is provided only one dispensing fee shall be collected. For purposes
2 of this section, "contraceptive drugs" means all drugs approved by
3 the United States food and drug administration that are used to
4 prevent pregnancy, including, but not limited to, hormonal drugs
5 administered orally, transdermally, and intravaginally.

6 **Sec. 3.** RCW 74.09.520 and 2015 1st sp.s. c 8 s 2 are each
7 amended to read as follows:

8 (1) The term "medical assistance" may include the following care
9 and services subject to rules adopted by the authority or department:
10 (a) Inpatient hospital services; (b) outpatient hospital services;
11 (c) other laboratory and X-ray services; (d) nursing facility
12 services; (e) physicians' services, which shall include prescribed
13 medication and instruction on birth control devices; (f) medical
14 care, or any other type of remedial care as may be established by the
15 secretary or director; (g) home health care services; (h) private
16 duty nursing services; (i) dental services; (j) physical and
17 occupational therapy and related services; (k) prescribed drugs,
18 dentures, and prosthetic devices; and eyeglasses prescribed by a
19 physician skilled in diseases of the eye or by an optometrist,
20 whichever the individual may select; (l) personal care services, as
21 provided in this section; (m) hospice services; (n) other diagnostic,
22 screening, preventive, and rehabilitative services; and (o) like
23 services when furnished to a child by a school district in a manner
24 consistent with the requirements of this chapter. For the purposes of
25 this section, neither the authority nor the department may cut off
26 any prescription medications, oxygen supplies, respiratory services,
27 or other life-sustaining medical services or supplies.

28 "Medical assistance," notwithstanding any other provision of law,
29 shall not include routine foot care, or dental services delivered by
30 any health care provider, that are not mandated by Title XIX of the
31 social security act unless there is a specific appropriation for
32 these services.

33 (2) The department shall adopt, amend, or rescind such
34 administrative rules as are necessary to ensure that Title XIX
35 personal care services are provided to eligible persons in
36 conformance with federal regulations.

37 (a) These administrative rules shall include financial
38 eligibility indexed according to the requirements of the social
39 security act providing for medicaid eligibility.

1 (b) The rules shall require clients be assessed as having a
2 medical condition requiring assistance with personal care tasks.
3 Plans of care for clients requiring health-related consultation for
4 assessment and service planning may be reviewed by a nurse.

5 (c) The department shall determine by rule which clients have a
6 health-related assessment or service planning need requiring
7 registered nurse consultation or review. This definition may include
8 clients that meet indicators or protocols for review, consultation,
9 or visit.

10 (3) The department shall design and implement a means to assess
11 the level of functional disability of persons eligible for personal
12 care services under this section. The personal care services benefit
13 shall be provided to the extent funding is available according to the
14 assessed level of functional disability. Any reductions in services
15 made necessary for funding reasons should be accomplished in a manner
16 that assures that priority for maintaining services is given to
17 persons with the greatest need as determined by the assessment of
18 functional disability.

19 (4) Effective July 1, 1989, the authority shall offer hospice
20 services in accordance with available funds.

21 (5) For Title XIX personal care services administered by aging
22 and disability services administration of the department, the
23 department shall contract with area agencies on aging:

24 (a) To provide case management services to individuals receiving
25 Title XIX personal care services in their own home; and

26 (b) To reassess and reauthorize Title XIX personal care services
27 or other home and community services as defined in RCW 74.39A.009 in
28 home or in other settings for individuals consistent with the intent
29 of this section:

30 (i) Who have been initially authorized by the department to
31 receive Title XIX personal care services or other home and community
32 services as defined in RCW 74.39A.009; and

33 (ii) Who, at the time of reassessment and reauthorization, are
34 receiving such services in their own home.

35 (6) In the event that an area agency on aging is unwilling to
36 enter into or satisfactorily fulfill a contract or an individual
37 consumer's need for case management services will be met through an
38 alternative delivery system, the department is authorized to:

39 (a) Obtain the services through competitive bid; and

1 (b) Provide the services directly until a qualified contractor
2 can be found.

3 (7) Subject to the availability of amounts appropriated for this
4 specific purpose, the authority may offer medicare part D
5 prescription drug copayment coverage to full benefit dual eligible
6 beneficiaries.

7 (8) Effective January 1, 2016, the authority shall require
8 universal screening and provider payment for autism and developmental
9 delays as recommended by the bright futures guidelines of the
10 American academy of pediatrics, as they existed on August 27, 2015.
11 This requirement is subject to the availability of funds.

12 (9) The authority shall make arrangements for all medicaid
13 programs offered through managed care plans or fee-for-service
14 programs to require the dispensing of contraceptive drugs with a
15 twelve-month supply provided at one time, unless a patient requests a
16 smaller supply or the prescribing provider instructs that the patient
17 must receive a smaller supply. Contracts with managed care plans must
18 allow on-site dispensing of the prescribed contraceptive drugs at
19 family practice clinics. Dispensing practices must follow clinical
20 guidelines for appropriate prescribing and dispensing to ensure the
21 health of the patient while maximizing access to effective
22 contraceptive drugs. When a twelve-month refill is provided only one
23 dispensing fee shall be collected. For purposes of this subsection,
24 "contraceptive drugs" means all drugs approved by the United States
25 food and drug administration that are used to prevent pregnancy,
26 including, but not limited to, hormonal drugs administered orally,
27 transdermally, and intravaginally."

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28 On page 1, line 3 of the title, after "drugs;" strike the
29 remainder of the title and insert "amending RCW 74.09.520; adding a
30 new section to chapter 48.43 RCW; and creating a new section."

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