1196-S AMH RICC MORI 014

**SHB 1196** - H AMD TO H AMD (H-1083.2/21) **108**

By Representative Riccelli

**ADOPTED 02/24/2021**

On page 3, line 9 of the striking amendment, after "(8)" insert "(a)"

On page 3, after line 14 of the striking amendment, insert the following:

"(b) If the health care authority has cause to believe that a provider has engaged in a pattern of unresolved violations of this subsection (8), the health care authority may submit information to the appropriate disciplining authority for action. Prior to submitting information to the appropriate disciplining authority, the health care authority may provide the provider with an opportunity to cure the alleged violations or explain why the actions in question did not violate this subsection (8).

(c) If the provider has engaged in a pattern of unresolved violations of this subsection (8), the appropriate disciplining authority may levy a fine or cost recovery upon the provider in an amount not to exceed the applicable statutory amount per violation and take other action as permitted under the authority of the disciplining authority. Upon completion of its review of any potential violation submitted by the health care authority or initiated directly by an enrollee, the disciplining authority shall notify the health care authority of the results of the review, including whether the violation was substantiated and any enforcement action taken as a result of a finding of a substantiated violation."

On page 3, line 17 of the striking amendment, after "audio-only" strike "telephone"

On page 3, line 25 of the striking amendment, after "audio-only" strike "telephone"

On page 3, line 28 of the striking amendment, after "(b)" insert ""Disciplining authority" has the same meaning as in RCW 18.130.020;

(c)"

Renumber the remaining subsections consecutively and correct any internal references accordingly.

On page 6, line 19 of the striking amendment, after "(8)" insert "(a)"

On page 6, after line 24 of the striking amendment, insert the following:

"(b) If the commissioner has cause to believe that a provider has engaged in a pattern of unresolved violations of this subsection (8), the commissioner may submit information to the appropriate disciplining authority for action. Prior to submitting information to the appropriate disciplining authority, the commissioner may provide the provider with an opportunity to cure the alleged violations or explain why the actions in question did not violate this subsection (8).

(c) If the provider has engaged in a pattern of unresolved violations of this subsection (8), the appropriate disciplining authority may levy a fine or cost recovery upon the provider in an amount not to exceed the applicable statutory amount per violation and take other action as permitted under the authority of the disciplining authority. Upon completion of its review of any potential violation submitted by the commissioner or initiated directly by an enrollee, the disciplining authority shall notify the commissioner of the results of the review, including whether the violation was substantiated and any enforcement action taken as a result of a finding of a substantiated violation."

On page 6, line 27 of the striking amendment, after "audio-only" strike "telephone"

On page 6, line 35 of the striking amendment, after "audio-only" strike "telephone"

On page 6, line 38 of the striking amendment, after "(b)" insert ""Disciplining authority" has the same meaning as in RCW 18.130.020;

(c)"

Renumber the remaining subsections consecutively and correct any internal references accordingly.

On page 8, line 13 of the striking amendment, after "audio-only" strike "telephone"

On page 8, line 20 of the striking amendment, after "audio-only" strike "telephone"

On page 11, line 25 of the striking amendment, after "(8)" insert "(a)"

On page 11, after line 31 of the striking amendment, insert the following:

"(b) If the health care authority has cause to believe that a provider has engaged in a pattern of unresolved violations of this subsection (8), the health care authority may submit information to the appropriate disciplining authority for action. Prior to submitting information to the appropriate disciplining authority, the health care authority may provide the provider with an opportunity to cure the alleged violations or explain why the actions in question did not violate this subsection (8).

(c) If the provider has engaged in a pattern of unresolved violations of this subsection (8), the appropriate disciplining authority may levy a fine or cost recovery upon the provider in an amount not to exceed the applicable statutory amount per violation and take other action as permitted under the authority of the disciplining authority. Upon completion of its review of any potential violation submitted by the health care authority or initiated directly by an enrollee, the disciplining authority shall notify the health care authority of the results of the review, including whether the violation was substantiated and any enforcement action taken as a result of a finding of a substantiated violation."

On page 11, line 34 of the striking amendment, after "audio-only" strike "telephone"

On page 12, line 2 of the striking amendment, after "audio-only" strike "telephone"

On page 12, line 5 of the striking amendment, after "(b)" insert ""Disciplining authority" has the same meaning as in RCW 18.130.020;

(c)"

Renumber the remaining subsections consecutively and correct any internal references accordingly.

On page 15, line 3 of the striking amendment, after "(8)" insert "(a)"

On page 15, after line 8 of the striking amendment, insert the following:

"(b) If the health care authority has cause to believe that a provider has engaged in a pattern of unresolved violations of this subsection (8), the health care authority may submit information to the appropriate disciplining authority for action. Prior to submitting information to the appropriate disciplining authority, the health care authority may provide the provider with an opportunity to cure the alleged violations or explain why the actions in question did not violate this subsection (8).

(c) If the provider has engaged in a pattern of unresolved violations of this subsection (8), the appropriate disciplining authority may levy a fine or cost recovery upon the provider in an amount not to exceed the applicable statutory amount per violation and take other action as permitted under the authority of the disciplining authority. Upon completion of its review of any potential violation submitted by the health care authority or initiated directly by an enrollee, the disciplining authority shall notify the health care authority of the results of the review, including whether the violation was substantiated and any enforcement action taken as a result of a finding of a substantiated violation."

On page 15, line 11 of the striking amendment, after "audio-only" strike "telephone"

On page 15, line 19 of the striking amendment, after "audio-only" strike "telephone"

On page 15, line 22 of the striking amendment, after "(b)" insert ""Disciplining authority" has the same meaning as in RCW 18.130.020;

(c)"

Renumber the remaining subsections consecutively and correct any internal references accordingly.

On page 17, line 6 of the striking amendment, after "only" strike "telephone"

On page 17, line 13 of the striking amendment, after "audio-only" strike "telephone"

On page 19, beginning on line 26 of the striking amendment, after "19.68 RCW" strike all material through "74.09.325(8),"

On page 19, line 28 of the striking amendment, after "RCW" strike "48.49.020 or 48.49.030" and insert "41.05.700(8), 48.43.735(8), 48.49.020 ((~~or~~)), 48.49.030, 71.24.335(8), or 74.09.325(8)"

On page 20, beginning on line 28 of the striking amendment, strike all of subsection (e)

Renumber the remaining subsections consecutively and correct any internal references accordingly.

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|  | EFFECT: Removes provisions making each violation of the patient consent requirement a violation of the Uniform Disciplinary Act. Instead, requires a pattern of potential violations of the patient consent requirement to be reported to the appropriate disciplining authority. Requires the provider to be afforded the opportunity to cure or explain the pattern of violations prior to the report being submitted. Allows the disciplining authority to levy a fine or cost recovery upon the provider in an amount not to exceed the applicable statutory amount per violation and take other action as permitted under the authority of the disciplining authority. Requires, upon completion of the disciplining authority's review of any potential violation, notification to be provided to the Insurance Commissioner or the Health Care Authority of the results of the review, including whether the violation was substantiated and any enforcement action taken as a result of a finding of a substantiated violation.  Removes the requirement that the audio-only telemedicine services be provided via telephone.  Removes the requirement that the Insurance Commissioner's recommendations include the extent to which telemedicine reimbursement requirements should be extended to Industrial Insurance and other programs administered by the Department of Labor and Industries. |

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