

CERTIFICATION OF ENROLLMENT

HOUSE BILL 1651

Chapter 122, Laws of 2022

67th Legislature
2022 Regular Session

IMMEDIATE POSTPARTUM CONTRACEPTION—PROVIDER BILLING

EFFECTIVE DATE: June 9, 2022

Passed by the House January 26, 2022
Yeas 95 Nays 2

LAURIE JINKINS

**Speaker of the House of
Representatives**

Passed by the Senate March 3, 2022
Yeas 45 Nays 2

DENNY HECK

President of the Senate

Approved March 24, 2022 8:41 AM

JAY INSLEE

Governor of the State of Washington

CERTIFICATE

I, Bernard Dean, Chief Clerk of the House of Representatives of the State of Washington, do hereby certify that the attached is **HOUSE BILL 1651** as passed by the House of Representatives and the Senate on the dates hereon set forth.

BERNARD DEAN

Chief Clerk

FILED

March 24, 2022

**Secretary of State
State of Washington**

HOUSE BILL 1651

Passed Legislature - 2022 Regular Session

State of Washington

67th Legislature

2022 Regular Session

By Representatives Thai, Macri, Bateman, Ryu, Berry, Ramel, Duerr, Valdez, Callan, Cody, Davis, Simmons, Bergquist, Kloba, Pollet, Frame, Harris-Talley, and Taylor

Prefiled 12/16/21. Read first time 01/10/22. Referred to Committee on Health Care & Wellness.

1 AN ACT Relating to allowing providers to bill separately for
2 immediate postpartum contraception; adding a new section to chapter
3 41.05 RCW; adding a new section to chapter 48.43 RCW; and creating a
4 new section.

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

6 NEW SECTION. **Sec. 1.** The legislature finds that healthy birth
7 spacing helps reduce adverse health outcomes for both parents and
8 babies. The legislature further finds that increasing immediate
9 postpartum access to contraception, before a patient is discharged
10 from the hospital or birthing center, is critical to maternal and
11 newborn health and that immediate postpartum contraception is
12 associated with longer contraceptive coverage, fewer unintended
13 pregnancies, and cost savings for payers and health care systems. To
14 help achieve these outcomes, it is the intent of the legislature to
15 increase access to immediate postpartum contraception by requiring
16 commercial health insurers to pay for immediate postpartum
17 contraception separately from the maternity bundle in a manner that
18 mirrors the payment process for immediate postpartum contraception
19 used by the state's medicaid program.

1 NEW SECTION. **Sec. 2.** A new section is added to chapter 41.05
2 RCW to read as follows:

3 (1) For births taking place in a licensed hospital or birthing
4 center, a health plan offered to employees and their covered
5 dependents must allow a provider to separately bill for devices,
6 implants, professional services, or a combination thereof, associated
7 with immediate postpartum contraception and may not consider such
8 devices, implants, services, or combinations thereof to be part of
9 any payments for general obstetric procedures.

10 (2) For purposes of this section, "immediate postpartum
11 contraception" means the postpartum insertion of intrauterine devices
12 or contraceptive implants performed before the patient is discharged
13 from the hospital or birthing center and includes the devices or
14 implants themselves.

15 (3) This section does not apply to facility services associated
16 with immediate postpartum contraception.

17 (4) Nothing in this section affects an enrollee's right to
18 directly access women's health care services, including contraceptive
19 services.

20 (5) This section applies to health plans issued or renewed on or
21 after January 1, 2023.

22 NEW SECTION. **Sec. 3.** A new section is added to chapter 48.43
23 RCW to read as follows:

24 (1) For births taking place in a licensed hospital or birthing
25 center, a health plan must allow a provider to separately bill for
26 devices, implants, professional services, or a combination thereof,
27 associated with immediate postpartum contraception and may not
28 consider such devices, implants, services, or combinations thereof to
29 be part of any payments for general obstetric procedures.

30 (2) For purposes of this section, "immediate postpartum
31 contraception" means the postpartum insertion of intrauterine devices
32 or contraceptive implants performed before the patient is discharged
33 from the hospital or birthing center and includes the devices or
34 implants themselves.

35 (3) This section does not apply to facility services associated
36 with immediate postpartum contraception.

37 (4) Nothing in this section affects an enrollee's right to
38 directly access women's health care services, including contraceptive
39 services.

1 (5) This section applies to health plans issued or renewed on or
2 after January 1, 2023.

Passed by the House January 26, 2022.

Passed by the Senate March 3, 2022.

Approved by the Governor March 24, 2022.

Filed in Office of Secretary of State March 24, 2022.

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