
HOUSE BILL 2250

State of Washington

69th Legislature

2026 Regular Session

By Representatives Engell, Rule, Jacobsen, Barnard, and Schmick

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1 AN ACT Relating to protecting access to health care services for
2 Washington state residents through limiting charity care to those
3 individuals that meet Washington state residency requirements;
4 reenacting and amending RCW 70.170.020; adding a new section to
5 chapter 70.170 RCW; creating a new section; and declaring an
6 emergency.

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

8 NEW SECTION. **Sec. 1.** (1) The legislature finds that Washington
9 hospitals provide significant benefits to their communities in the
10 form of charity care for both emergency services and nonemergency
11 services. In 2022, hospitals statewide provided \$483,000,000 in
12 charity care services to patients.

13 (2) For over 30 years, the department of health approved hospital
14 charity care policies that included clauses restricting charity care
15 eligibility to residents of the state of Washington and out-of-state
16 patients in need of emergency care. This has ensured that hospitals
17 have sufficient resources to serve and care for the residents of
18 their local communities before providing free care to patients from
19 around the globe. In 2022, the department of health reversed this
20 decades-long policy and began sending letters to individual hospitals
21 requiring policy updates to remove these restrictions. In September

1 2023, the department issued an interpretive statement requiring all
2 remaining hospitals with geographic restrictions to update their
3 policies by removing the restrictions by January 2024.

4 (3) The legislature finds that this new approach taken by the
5 department has the potential to make Washington state a medical
6 tourism destination, drawing patients from other states and countries
7 for free care ranging from routine procedures to state of the art,
8 specialized treatment. The consequences of this would be delays in
9 care, challenges for Washingtonians in accessing care, and an
10 increase in the cost of care for Washingtonians.

11 (4) Washington hospitals are already facing significant capacity
12 constraints. Washington has the fifth-fewest hospital beds per capita
13 of all the states in the nation. Additional people coming to
14 Washington for care will put a further strain on capacity in
15 Washington's hospitals, limiting local residents' access to care and
16 impacting patient well-being.

17 (5) Without legislative intervention, the department's new
18 interpretation would also increase the cost of care for
19 Washingtonians. Expenses for the additional delivery of free care
20 will be passed along to other patients who do pay. People living in
21 Washington will be forced to subsidize charity care services for
22 people from outside of the state and outside of the country.

23 (6) The legislature therefore clarifies and declares that, while
24 hospitals may exceed any of the requirements of the charity care law,
25 including serving those from outside the state, the purpose of
26 charity care is to provide a standardized approach in law addressing
27 affordable medical care to low-income Washingtonians and those from
28 outside the state in need of emergency care.

29 NEW SECTION. **Sec. 2.** A new section is added to chapter 70.170
30 RCW to read as follows:

31 (1) Eligibility for charity care is limited to Washington state
32 residents.

33 (2) For purposes of this chapter, a resident is a person,
34 including an emancipated person under age 18 and a married person
35 under age 18 who is capable of indicating intent, who currently lives
36 in Washington and:

37 (a) Intends to reside here indefinitely, including persons
38 without a fixed address; or

39 (b) Entered the state looking for a job; or

- 1 (c) Entered the state with a job commitment.
- 2 (3) A person does not need to live in the state for a specific
3 period of time prior to meeting the requirements in subsection (2) of
4 this section before being considered a resident.
- 5 (4) A child under age 18 who is not covered by subsection (2) of
6 this section is a resident if:
- 7 (a) The child lives in the state, with or without a fixed
8 address, including with a custodial parent or caretaker; or
- 9 (b) The child's parent or caretaker is a resident as defined in
10 subsection (2) of this section.
- 11 (5) A resident who leaves the state for over a month does not
12 lose their residency if the person:
- 13 (a) Intends to return to the state once the purpose of his or her
14 absence has been accomplished and provides adequate information of
15 this intent after a request by the hospital; and
- 16 (b) Has not been determined eligible for medicaid or state-funded
17 health care coverage in another state other than coverage in another
18 state for incidental or emergency health care.
- 19 (6) A person who enters Washington state for health care is not a
20 resident and is not eligible for charity care.
- 21 (7) A person receiving emergency care under 42 U.S.C. Sec.
22 1395dd, or that patient's guarantor, will be considered a resident
23 for purposes of receiving charity care.
- 24 (8) A person of any age who receives a state supplemental payment
25 is considered a resident of the state that is making the payment.
- 26 (9) A person who receives federal payments for foster or adoption
27 assistance is considered a resident of the state where the person
28 physically resides even if:
- 29 (a) The person does not live in the state that is making the
30 foster or adoption assistance payment; or
- 31 (b) The person does not live in the state where the adoption
32 agreement was entered.
- 33 (10) Immigration status may not be taken into account when
34 determining an indigent person's residency.

35 **Sec. 3.** RCW 70.170.020 and 2024 c 121 s 28 are each reenacted
36 and amended to read as follows:

37 As used in this chapter:

- 38 (1) "Charity care" means medically necessary hospital health care
39 rendered to indigent persons when third-party coverage, if any, has

1 been exhausted, to the extent that the persons are unable to pay for
2 the care or to pay deductibles or coinsurance amounts required by a
3 third-party payer, as determined by the department.

4 (2) "Department" means department of health.

5 (3) "Hospital" means any health care institution which is
6 required to qualify for a license under RCW 70.41.020(~~((+8))~~) (9); or
7 as a behavioral health hospital under chapter 71.12 RCW.

8 (4) "Indigent persons" are those patients or their guarantors who
9 qualify for charity care pursuant to RCW 70.170.060(5) based on the
10 federal poverty level, adjusted for family size, (~~and~~) who have
11 exhausted any third-party coverage, and who meet the residency
12 requirements established in section 2 of this act.

13 (5) "Secretary" means secretary of health.

14 (6) "Special studies" means studies which have not been funded
15 through the department's biennial or other legislative
16 appropriations.

17 (7) "Third-party coverage" means an obligation on the part of an
18 insurance company, health care service contractor, health maintenance
19 organization, group health plan, government program, tribal health
20 benefits, or health care sharing ministry as defined in 26 U.S.C.
21 Sec. 5000A to pay for the care of covered patients and services, and
22 may include settlements, judgments, or awards actually received
23 related to the negligent acts of others which have resulted in the
24 medical condition for which the patient has received hospital health
25 care service. The pendency of such settlements, judgments, or awards
26 must not stay hospital obligations to consider an eligible patient
27 for charity care.

28 NEW SECTION. **Sec. 4.** This act is necessary for the immediate
29 preservation of the public peace, health, or safety, or support of
30 the state government and its existing public institutions, and takes
31 effect immediately.

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