

---

HOUSE BILL 2546

---

State of Washington

69th Legislature

2026 Regular Session

By Representatives Simmons and Macri

Read first time 01/16/26. Referred to Committee on Health Care & Wellness.

1 AN ACT Relating to standardizing overpayment recovery  
2 requirements; amending RCW 48.43.600; and providing an effective  
3 date.

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

5 **Sec. 1.** RCW 48.43.600 and 2025 c 227 s 7 are each amended to  
6 read as follows:

7 (1) Except in the case of fraud, or as provided in subsections  
8 (2) and (3) of this section, a carrier may not: (a) Request a refund  
9 from a health care provider of a payment previously made to satisfy a  
10 claim unless it does so in writing to the provider (~~within twenty-~~  
11 ~~four months after the date that the payment was made or, in the case~~  
12 ~~of mental health and substance use disorder services as defined in~~  
13 ~~RCW 48.43.766,~~) within six months after the date the payment was  
14 made; or (b) request that a contested refund be paid any sooner than  
15 six months after receipt of the request. Any such request must  
16 specify why the carrier believes the provider owes the refund. If a  
17 provider fails to contest the request in writing to the carrier  
18 within thirty days of its receipt, the request is deemed accepted and  
19 the refund must be paid.

20 (2) A carrier may not, if doing so for reasons related to  
21 coordination of benefits with another carrier or entity responsible

1 for payment of a claim: (a) Request a refund from a health care  
2 provider of a payment previously made to satisfy a claim unless it  
3 does so in writing to the provider (~~within thirty months after the~~  
4 ~~date that the payment was made or, in the case of mental health and~~  
5 ~~substance use disorder services as defined in RCW 48.43.766,~~) within  
6 nine months after the date the payment was made; or (b) request that  
7 a contested refund be paid any sooner than six months after receipt  
8 of the request. Any such request must specify why the carrier  
9 believes the provider owes the refund, and include the name and  
10 mailing address of the entity that has primary responsibility for  
11 payment of the claim. If a provider fails to contest the request in  
12 writing to the carrier within thirty days of its receipt, the request  
13 is deemed accepted and the refund must be paid.

14 (3) A carrier may at any time request a refund from a health care  
15 provider of a payment previously made to satisfy a claim if: (a) A  
16 third party, including a government entity, is found responsible for  
17 satisfaction of the claim as a consequence of liability imposed by  
18 law, such as tort liability; and (b) the carrier is unable to recover  
19 directly from the third party because the third party has either  
20 already paid or will pay the provider for the health services covered  
21 by the claim.

22 (4) If a contract between a carrier and a health care provider  
23 conflicts with this section, this section shall prevail. However,  
24 nothing in this section prohibits a health care provider from  
25 choosing at any time to refund to a carrier any payment previously  
26 made to satisfy a claim.

27 (5) For purposes of this section, "refund" means the return,  
28 either directly or through an offset to a future claim, of some or  
29 all of a payment already received by a health care provider.

30 (6) This section neither permits nor precludes a carrier from  
31 recovering from a subscriber, enrollee, or beneficiary any amounts  
32 paid to a health care provider for benefits to which the subscriber,  
33 enrollee, or beneficiary was not entitled under the terms and  
34 conditions of the health plan, insurance policy, or other benefit  
35 agreement.

36 (7) This section does not apply to claims for health care  
37 services provided through dental only health carriers, health care  
38 services provided under Title XVIII (medicare) of the social security  
39 act, or medicare supplemental plans regulated under chapter 48.66  
40 RCW.

1        NEW SECTION.    **Sec. 2.**    Section 1 of this act takes effect January  
2    1, 2027.

--- END ---