
SENATE BILL 5880

State of Washington

52nd Legislature

1991 Regular Session

By Senators Williams and Moore.

Read first time February 28, 1991. Referred to Committee on Health & Long-Term Care.

1 AN ACT Relating to timely notice for medicare patients; adding a
2 new section to chapter 74.38 RCW; and creating new sections.

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

4 NEW SECTION. **Sec. 1.** The legislature finds that medicare
5 rules, notices, and appeal procedures are complex and confusing to many
6 elderly and disabled beneficiaries. The legislature further finds that
7 it is important for beneficiaries to understand their options and
8 rights upon admission and discharge from the hospital setting.

9 NEW SECTION. **Sec. 2.** A new section is added to chapter 74.38 RCW
10 to read as follows:

11 (1) A hospital shall give written and verbal notice to any patient
12 who is entitled to benefits under medicare of any discharge notice or
13 notice of noncoverage required by 42 U.S.C. Sec. 1395 or 1396.

1 (2) The hospital shall be required to inform the patient, upon
2 admission and discharge, both verbally and in writing, as to the
3 patient's rights to appeal under 42 U.S.C. Sec. 1395 or 1396.

4 (3) The office shall convene an advisory group to develop model
5 forms for discharge notices and appeal rights. The advisory group
6 shall consist of representatives from consumer and advocacy groups, the
7 peer review organization-Washington and the state hospital association.
8 The advisory group shall also develop a medicare beneficiaries'
9 handbook on hospital coverage, options, and appeal rights including
10 community resources for assistance. The model forms and handbooks
11 shall be provided to all hospitals and their use shall be implemented
12 in all hospitals by January 1, 1992.

13 (4) The notices of discharge and appeal and the handbook shall use
14 large print and shall be written to meet or exceed a Flesch reading
15 ease score of sixty-five.

16 (5) Any patient aggrieved by a violation of this section shall have
17 immediate standing in the superior court. The court may award costs
18 and attorneys' fees to a patient who prevails.

19 (6) For the purposes of this section, "medicare" has the same
20 meaning as given in RCW 48.41.030; and "hospital" has the same meaning
21 as given in RCW 70.41.020.

22 NEW SECTION. **Sec. 3.** If any part of this act is found to be
23 in conflict with federal medicare requirements, the conflicting part of
24 this act is hereby declared to be inoperative solely to the extent of
25 the conflict, and such finding or determination shall not affect the
26 operation of the remainder of this act. The rules under this act shall
27 meet federal requirements which are a necessary condition to the
28 receipt of federal funds by the state, hospitals, or medicare patients.