

2 **ESHB 1957** - S COMM AMD - S2969.2
3 By Committee on Health & Human Services

4 ADOPTED AS AMENDED BY 810/929/930 - 4/17/93

5 Strike everything after the enacting clause and insert the
6 following:

7 "NEW SECTION. **Sec. 1.** Because uneven practices have developed in
8 this state that are adverse to the public interest, it is the purpose
9 and intent of the legislature to provide an impartial and expeditious
10 mechanism to assist the insurance commissioner in determining whether
11 coverage for particular health care procedures, treatments, or drugs
12 may be denied by issuers of health care coverage under their contracts
13 on the basis that the procedures, treatments, or drugs are experimental
14 or investigational.

15 NEW SECTION. **Sec. 2.** Unless the contest clearly requires
16 otherwise, the following definitions apply throughout this chapter:

17 (1) "Committee" means the medical health coverage benefit
18 determination committee created in section 3 of this act.

19 (2) "Health coverage issuer" or "issuer" means:

20 (a) Every insurer, as defined in RCW 48.01.050, having a
21 certificate of authority to transact disability insurance, as defined
22 in RCW 48.11.030, in this state;

23 (b) Every health care service contractor, as defined in RCW
24 48.44.010(3), registered to transact business in this state;

25 (c) Every health maintenance organization, as defined in RCW
26 48.46.020(1), registered to transact business in this state;

27 (d) The Washington basic health plan, as defined in RCW
28 70.47.020(1);

29 (e) The Washington state health care authority, as defined in
30 chapter 41.05 RCW;

31 (f) Every local government self-insured health and welfare benefit
32 plan or program regulated under chapter 48.62 RCW; or

33 (g) The Washington state health insurance pool as defined in
34 chapter 48.41 RCW.

1 NEW SECTION. **Sec. 3.** (1)(a) There is hereby created in the office
2 of the insurance commissioner, the medical health coverage benefit
3 determination committee consisting of nine members appointed by the
4 commissioner on the basis of their knowledge and experience in health
5 care services. In appointing the members the commissioner shall seek
6 to appoint persons exhibiting a balance of and having a wide breadth of
7 experience and knowledge in the treatment, research, and public or
8 private funding of health care services.

9 (b) Seven members of the committee shall be medical or health
10 professionals, one member shall represent consumers, and one member
11 shall represent issuers of health insurance coverage.

12 (c) The commissioner shall designate one member of the committee to
13 serve as chair of the committee.

14 (2) Members of the committee shall be appointed for a term of four
15 years and shall serve until their successors are appointed by the
16 insurance commissioner. The terms of the original members of the
17 committee shall be staggered so that two members shall be appointed to
18 serve until June 1, 1994, two members until June 1, 1995, two members
19 until June 1, 1996, and three members until June 1, 1997.

20 (3) The commissioner may remove a member of the committee only for
21 inefficiency, malfeasance, or misfeasance.

22 (4) The committee shall meet at the request of the commissioner to:

23 (a) Consider, develop, and recommend criteria to guide future
24 actions of issuers of health care coverage in determining whether a
25 procedure, treatment, drug, or other health care service is no longer
26 experimental or investigational for purposes of extending coverage;

27 (b) Consider and decide whether a procedure, treatment, drug, or
28 other health care service is no longer experimental or investigational;
29 and

30 (c) Consider actual specific denials of health coverage because the
31 proposed medical procedure is considered by the issuer to be
32 experimental or investigative and decide whether the denial was
33 appropriate.

34 (5) Members of the committee shall receive reimbursement for
35 expenses incurred in the discharge of their duties in accordance with
36 RCW 43.03.050 and 43.03.060.

37 (6) The insurance commissioner shall provide the committee with
38 administrative, material, and staff support necessary for the proper

1 functioning of the committee and may adopt all rules necessary to
2 implement the provisions of this chapter.

3 NEW SECTION. **Sec. 4.** (1) In making a recommendation as to whether
4 a procedure, treatment, drug, or other health care service is no longer
5 experimental or investigative and in reviewing denials of individual
6 coverage, the committee shall:

7 (a) Take into account findings, studies, or research conducted in
8 this country and abroad;

9 (b) Consider whether treating physicians find the procedure, drug,
10 or treatment efficacious or necessary for the health or survival of the
11 patient, or whether there is a potential benefit to the public as a
12 whole, as for example, where a disease is rare and treatment for it may
13 remain experimental for the foreseeable future;

14 (c) Consider other relevant information; and

15 (d) Consider federal medicare guidelines.

16 (2) After considering all relevant information before it on each
17 issue or denial of coverage, and recognizing that time is of the
18 essence, the committee shall issue a written recommendation to the
19 commissioner detailing its findings and conclusions.

20 (3) The commissioner shall publish at least once a year, and make
21 available to the public and issuers of health care coverage, a summary
22 of the committee's deliberations, recommendations, and conclusions.

23 NEW SECTION. **Sec. 5.** This chapter shall expire on July 1, 1998.

24 NEW SECTION. **Sec. 6.** Effective January 1, 1996, if Engrossed
25 Second Substitute Senate Bill No. 5304 is enacted into law and after
26 necessary implementing regulations are adopted by the services
27 effectiveness technical committee, the committee created by section 3
28 of this act shall terminate, and powers and duties conferred by
29 sections 1 through 4 of this act shall be performed by the services
30 effectiveness technical committee or panels created by Engrossed Second
31 Substitute Senate Bill No. 5304.

32 NEW SECTION. **Sec. 7.** If any provision of this act or its
33 application to any person or circumstance is held invalid, the
34 remainder of the act or the application of the provision to other
35 persons or circumstances is not affected.

