

2 **ESHB 1957** - S COMM AMD

3 By Committee on Health & Human Services

4

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; and

14 (c) Consider other relevant information.

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

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

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

23 NEW SECTION. **Sec. 6.** If any provision of this act or its  
24 application to any person or circumstance is held invalid, the  
25 remainder of the act or the application of the provision to other  
26 persons or circumstances is not affected.

27 NEW SECTION. **Sec. 7.** Sections 1 through 6 of this act shall  
28 constitute a new chapter in Title 48 RCW."

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4 On page 1, beginning on line 2 of the title, after "committee"  
5 strike the remainder of the title and insert "adding a new chapter to  
6 Title 48 RCW; and providing an expiration date."

7 EFFECT: The committee created by ESHB 1957 is advisory, and is  
8 made up of nine members: seven medical or health professionals, one  
9 consumer representative, and one representative of issuers of health  
10 care coverage. Members of the committee and its chairman are appointed  
11 by the commissioner to: (a) consider, develop, and recommend criteria  
12 to guide future actions of issuers of health care coverage in  
13 determining whether a procedure, treatment, drug or other health care  
14 service is no longer experimental or investigational for purposes of  
15 extending coverage; (b) consider and recommend whether a procedure,  
16 treatment, drug, or other health care service is no longer experimental  
17 or investigational; and (c) consider and decide actual specific denials  
18 of health coverage because the proposed medical procedure is considered  
19 by the issuer to be experimental or investigative. The committee  
20 reports its determinations promptly to the commissioner.

21 The commissioner provides staff support for the committee.

22 Members are reimbursed for travel and per diem, in accordance with  
23 chapter 43.03 RCW.

24 The commissioner may adopt rules necessary to effectuate the  
25 chapter.

26 The committee sunsets July 1, 1998, a date designated to coordinate  
27 with other health care reform legislation.

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