

CERTIFICATION OF ENROLLMENT

**SENATE BILL 5723**

53rd Legislature  
1993 Regular Session

Passed by the Senate April 20, 1993  
YEAS 45 NAYS 0

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**President of the Senate**

Passed by the House April 18, 1993  
YEAS 51 NAYS 43

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**Speaker of the  
House of Representatives**

Approved

CERTIFICATE

I, Marty Brown, Secretary of the Senate of the State of Washington, do hereby certify that the attached is **SENATE BILL 5723** as passed by the Senate and the House of Representatives on the dates hereon set forth.

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**Secretary**

FILED

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**Governor of the State of Washington**

**Secretary of State  
State of Washington**

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**SENATE BILL 5723**

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AS AMENDED BY THE HOUSE

Passed Legislature - 1993 Regular Session

**State of Washington**                      **53rd Legislature**                      **1993 Regular Session**

**By Senator Rinehart**

Read first time 02/10/93. Referred to Committee on Ways & Means.

1            AN ACT Relating to revenue collection by the department of social  
2 and health services; amending RCW 43.20B.140; adding a new section to  
3 chapter 43.20B RCW; adding a new section to chapter 48.21 RCW; adding  
4 a new section to chapter 48.44 RCW; adding a new section to 48.46 RCW;  
5 and creating a new section.

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

7            NEW SECTION.    **Sec. 1.** A new section is added to chapter 43.20B RCW  
8 to read as follows:

9            Whenever a notice and finding of responsibility, or appeal  
10 therefrom, has become final, the department may file a lien against the  
11 real and personal property of all persons found financially responsible  
12 under RCW 43.20B.330 with the county auditor of the county where the  
13 persons reside or own property.

14            **Sec. 2.** RCW 43.20B.140 and 1987 c 283 s 13 are each amended to  
15 read as follows:

16            (1) The department is authorized to recover the cost of ((medical  
17 care)) public assistance benefits provided under a program under

1 chapter 74.09 RCW provided to a recipient who was sixty-five years or  
2 older, upon the recipient's death except:

3 (a) Where there is a surviving spouse; or

4 (b) Where there is a surviving child under ((21)) twenty-one years  
5 of age or blind or disabled as defined in the state plan under Title  
6 XIX of the social security act; or

7 (c) ~~((To the extent of the first fifty thousand dollars of the  
8 estate value at the time of death, where there are surviving children  
9 other than as defined above, and not to exceed thirty five percent of  
10 the remainder))~~ For family heirlooms, collectibles, antiques, papers,  
11 jewelry, photos, or other personal effects that have been held in the  
12 possession of the deceased recipient to which a surviving child may  
13 otherwise be entitled not to exceed a total fair market value of two  
14 thousand dollars.

15 (2) The department may assert and enforce a claim against the  
16 estate of the deceased recipient for the debt in subsection (1) of this  
17 section, in accordance with chapter 11.40 RCW.

18 (3) The remedies in subsection (2) of this section are nonexclusive  
19 and upon the death of the recipient, the department shall have a lien  
20 for the debt in subsection (1) of this section. The lien attaches to  
21 the real property of which the deceased recipient was seized  
22 immediately before death. Upon subsequent filing of the notice thereof  
23 with the county auditor of the county in which the real property is  
24 located, the lien shall be deemed to relate back and be effective  
25 against such property as of the date of the recipient's death.  
26 Recovery under the lien shall be upon the sale or transfer of the  
27 subject property.

28 NEW SECTION. Sec. 3. A new section is added to chapter 48.21 RCW  
29 to read as follows:

30 An insurer providing group disability insurance coverage for health  
31 care in this state shall waive a preauthorization requirement from the  
32 insurer before an insured or the insured's covered dependents receive  
33 mental health care and treatment rendered by a state hospital if the  
34 insured or any of the insured's covered dependents are involuntarily  
35 committed to a state hospital as defined in RCW 72.23.010.

36 NEW SECTION. Sec. 4. A new section is added to chapter 48.44 RCW  
37 to read as follows:

1 A health care service contractor providing hospital or medical  
2 services or benefits in this state shall waive a preauthorization from  
3 the contractor before an insured or an insured's covered dependents  
4 receive mental health treatment rendered by a state hospital as defined  
5 in RCW 72.23.010 if the insured or the insured's covered dependents are  
6 involuntarily committed to a state hospital as defined in RCW  
7 72.23.010.

8 NEW SECTION. **Sec. 5.** A new section is added to chapter 48.46 RCW  
9 to read as follows:

10 A health maintenance organization providing services or benefits  
11 for hospital or medical care coverage in this state shall waive a  
12 preauthorization from the health maintenance organization before an  
13 enrolled participant or the enrolled participant's covered dependents  
14 receive mental health treatment rendered by a state hospital as defined  
15 in RCW 72.23.010 if the enrolled participant or the enrolled  
16 participant's covered dependents are involuntarily committed to a state  
17 hospital as defined in RCW 72.23.010.

18 NEW SECTION. **Sec. 6.** This act does not have the effect of  
19 terminating or in any way modifying any liability, civil or criminal,  
20 that is already in existence on the effective date of this act.

21 NEW SECTION. **Sec. 7.** If any provision of this act or its  
22 application to any person or circumstance is held invalid, the  
23 remainder of the act or the application of the provision to other  
24 persons or circumstances is not affected.

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