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**SHB 1589** - H AMD TO H AMD (H-2491.2/95) **425 ADOPTED 3/14/95**

By Representatives Dyer and Dellwo

On page 15, after line 11 insert the following:

"NEW SECTION. **Sec. 9.** A new section is added to chapter 48.43 RCW to read as follows:

"No public or private health care payer subject to the jurisdiction of the state of Washington shall propose, issue, sign, or renew a provider agreement or enrollee service agreement that contains a clause whose effect, in any way, is to disclaim liability for the care delivered or not delivered to an enrollee because of a decision of the payer as to whether the care was a covered service, medically necessary, economically provided, medically appropriate, or similar consideration. Similarly, no clause shall attempt to shift liability for harm caused by such payer decision as to whether care should be delivered, as opposed to paid for, is between the provider and patient alone as if the fact of whether or not care is paid for played little or no role in a patient's decision to obtain care. Nothing in this section shall be inferred to result in liability to anyone for the payer's payment decisions that are consistent with the language of the applicable service agreement or consistent with the cost-effective delivery of health care. The intent of this section is only to prevent payers from shifting their liability for payment decisions to either providers, or enrollees, or both."

Renumber the sections consecutively, correct internal references accordingly

**EFFECT:** Prohibits health care payer, public or private, from contractually transferring or shifting their liability for payment decisions, collectively or severally, to providers or enrollees.

---END---