

1 **SHB 2840 - H AMD 288 SCOPE & OBJECT 2/13/96**

2 By Representatives Dellwo and Cody

3 On page 2, after line 29, insert the following:

4 "NEW SECTION. **Sec 3.** A new section is added to chapter
5 48.43 RCW to read as follows:

6 (1) No public or private health carrier subject to the
7 jurisdiction of the state of Washington may propose, issue, sign,
8 or renew an agreement of any kind, including an enrollee service
9 agreement, that contains a clause or language whose effect, in
10 any way, is to disclaim liability for the care delivered or not
11 delivered to an enrollee because of a decision of the health
12 carrier as to whether the care was a covered service, medically
13 necessary, economically provided, medically appropriate, or
14 similar consideration.

15 (2) No public or private health carrier subject to the
16 jurisdiction of the state of Washington may propose, issue, sign,
17 or renew an agreement of any kind, including an enrollee service
18 agreement, that contains a clause or language whose effect, in
19 any way, is to shift liability to the provider or the patient, or
20 both, for the care delivered or not delivered in material part
21 because of a payment or other related decision of the health
22 carrier. A clause is a violation of this subsection if, by way
23 of illustration and not limitation, it says that the decision to
24 obtain care is between the provider and the patient, failing to
25 acknowledge the role of payment in such decisions.

26 (3) Nothing in this section is to be construed to create new
27 liability on anyone for the health carrier's payment or related
28 decisions. The intent of this section is only to prevent health
29 carriers from disclaiming or shifting any existing liability to
30 either providers or patients, or both."

31 Correct the title accordingly.

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EFFECT: Prohibits health carriers from shifting liability for their decisions not to pay for health services to the provider or patient.