

2 **ESSB 6120** - H COMM AMD
3 By Committee on Health Care

4 ADOPTED AS AMENDED 3/1/96

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

7 "NEW SECTION. **Sec. 1.** A new section is added to chapter 48.43 RCW
8 to read as follows:

9 (1) The legislature recognizes the role of health care providers as
10 the appropriate authority to determine and establish the delivery of
11 quality health care services to maternity patients and their newly born
12 children. It is the intent of the legislature to recognize patient
13 preference and the clinical sovereignty of providers as they make
14 determinations regarding services provided and the length of time
15 individual patients may need to remain in a health care facility after
16 giving birth. It is not the intent of the legislature to diminish a
17 carrier's ability to utilize managed care strategies but to ensure the
18 clinical judgment of the provider is not undermined by restrictive
19 carrier contracts or utilization review criteria that fail to recognize
20 individual postpartum needs.

21 (2) Unless otherwise specifically provided, the following
22 definitions apply throughout this section:

23 (a) "Attending provider" means a provider who: Has clinical
24 hospital privileges consistent with RCW 70.43.020; is included in a
25 provider network of the carrier that is providing coverage; and is a
26 physician licensed under chapter 18.57 or 18.71 RCW, a certified nurse
27 midwife licensed under chapter 18.79 RCW, a midwife licensed under
28 chapter 18.50 RCW, a physician's assistant licensed under chapter
29 18.57A or 18.71A RCW, or an advanced registered nurse practitioner
30 licensed under chapter 18.79 RCW.

31 (b) "Health carrier" or "carrier" means disability insurers
32 regulated under chapter 48.20 or 48.21 RCW, health care services
33 contractors regulated under chapter 48.44 RCW, health maintenance
34 organizations regulated under chapter 48.46 RCW, plans operating under
35 the health care authority under chapter 41.05 RCW, the state health
36 insurance pool operating under chapter 48.41 RCW, and insuring entities
37 regulated under this chapter.

1 (3)(a) Every health carrier that provides coverage for maternity
2 services must permit the attending provider, in consultation with the
3 mother, to make decisions on the length of inpatient stay, rather than
4 making such decisions through contracts or agreements between
5 providers, hospitals, and insurers. These decisions must be based on
6 accepted medical practice.

7 (b) Covered eligible services may not be denied for inpatient,
8 postdelivery care to a mother and her newly born child after a vaginal
9 delivery or a cesarean section delivery for such care as ordered by the
10 attending provider in consultation with the mother.

11 (c) At the time of discharge, determination of the type and
12 location of follow-up care, including in-person care, must be made by
13 the attending provider in consultation with the mother rather than by
14 contract or agreement between the hospital and the insurer. These
15 decisions must be based on accepted medical practice.

16 (d) Covered eligible services may not be denied for follow-up care
17 as ordered by the attending provider in consultation with the mother.
18 Coverage for providers of follow-up services must include, but need not
19 be limited to, attending providers as defined in this section, home
20 health agencies licensed under chapter 70.127 RCW, and registered
21 nurses licensed under chapter 18.79 RCW.

22 (e) Nothing in this section shall be construed to require attending
23 providers to authorize care they believe to be medically unnecessary.

24 (f) Coverage for the newly born child must be no less than the
25 coverage of the child's mother for no less than three weeks, even if
26 there are separate hospital admissions.

27 (4) No carrier that provides coverage for maternity services may
28 deselect, terminate the services of, require additional documentation
29 from, require additional utilization review of, reduce payments to, or
30 otherwise provide financial disincentives to any attending provider or
31 health care facility solely as a result of the attending provider or
32 health care facility ordering care consistent with the provisions of
33 this section. Nothing in this section shall be construed to prevent
34 any insurer from reimbursing an attending provider or health care
35 facility on a capitated, case rate, or other financial incentive basis.

36 (5) Every carrier that provides coverage for maternity services
37 must provide notice to policyholders regarding the coverage required
38 under this section. The notice must be in writing and must be
39 transmitted at the earliest of the next mailing to the policyholder,

1 the yearly summary of benefits sent to the policyholder, or January 1
2 of the year following the effective date of this section.

3 (6) This section is not intended to establish a standard of
4 medical care.

5 (7) This section shall apply to coverage for maternity services
6 under a contract issued or renewed by a health carrier after the
7 effective date of this section and shall apply to plans operating under
8 the health care authority under chapter 41.05 RCW beginning January 1,
9 1998.

10 NEW SECTION. **Sec. 2.** Consistent with funds available for this
11 purpose, the Washington health care policy board, created by chapter
12 43.73 RCW, shall conduct an analysis of the effects of this act,
13 addressing: The financial impact on health carriers in the public and
14 private individual and group insurance markets; the impact on
15 utilization of health care services; and, to the extent possible, the
16 impact on the health status of mothers and their newly born children.
17 The board shall submit a final report to the appropriate committees of
18 the legislature by December 15, 1998.

19 NEW SECTION. **Sec. 3.** This act shall be known as "the Erin Act."

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23 On page 1, line 2 of the title, after "child;" strike the remainder
24 of the title and insert "adding a new section to chapter 48.43 RCW; and
25 creating new sections."

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