

2 **ESSB 6392** - H AMD TO HC COMM AMD (H5311.1) **452 RULED BEYOND SCOPE AND**
3 **OBJECT 3-1-96**

4 By Representatives Cody and Murray

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6 On page 3, after line 35 of the amendment, insert the following:

7 "NEW SECTION. **Sec. 6.** INSURER DISCLAIMING LIABILITY TO PATIENTS.

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

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

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

32 Renumber the remaining sections consecutively and correct internal
33 references accordingly.

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2 By Representative

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4 On page 4, line 3 of the amendment, after "through" strike "5" and

5 insert "6"

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