

1 **SHB 2018** - H AMD to H AMD (2018-S AMH DYER H2836.2) **298 FAILED**

2 By Representative Cody **3-18-97**

3 On page 49 of the amendment, after line 36, insert the  
4 following:

5 **PART IV--HEALTH PLAN LIABILITY**

6 NEW SECTION. **Sec 401.** A new section is added to chapter  
7 48.43 RCW to read as follows:

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

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

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

- 1 Renumber remaining parts and sections consecutively, correct
- 2 internal references accordingly, correct the table of contents
- 3 accordingly, and correct the title accordingly.

**EFFECT:** Currently, contracts between providers and health carriers (insurers and managed care plans) may address potential liability issues regarding the relationships between the providers and the carriers. This amendment prohibits health carriers from shifting liability for their decisions not to pay for health services to the provider or patient.