
HOUSE BILL 2219

State of Washington 56th Legislature 1999 Regular Session

By Representatives Fortunato, Miloscia and Haigh

Read first time 02/22/1999. Referred to Committee on Health Care.

1 AN ACT Relating to protecting a woman's health; amending RCW
2 48.21.240, 48.44.340, and 48.46.290; adding a new section to chapter
3 41.05 RCW; adding a new section to chapter 48.21 RCW; adding a new
4 section to chapter 48.44 RCW; adding a new section to chapter 48.46
5 RCW; adding a new section to chapter 70.47 RCW; adding a new chapter to
6 Title 70 RCW; creating a new section; and repealing RCW 48.21.240,
7 48.44.340, and 48.46.290.

8 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

9 NEW SECTION. **Sec. 1.** (1) The legislature makes the following
10 findings.

11 (a) Many women who have undergone abortion complain of nervous
12 disorders and sleep disturbances, regret having made the decision, and
13 obtain prescriptions for psychotropic medicine.

14 (b) There is significantly greater use of medical and psychiatric
15 services among women who have undergone abortion, and those women are
16 significantly more likely than others to require psychiatric care.

17 (c) At especially high risk are teenagers, separated or divorced
18 women, and women who have undergone more than one abortion.

1 (d) Because many women who have undergone abortion rely upon
2 repression as a coping mechanism, those women may long remain in denial
3 before seeking psychiatric care, and repressed feelings may cause
4 psychosomatic illnesses and behavioral or psychological disorders.

5 (e) Counselors report that unacknowledged postabortion distress is
6 the causative factor in many women who have come to them seeking
7 therapy for problems seemingly unrelated to abortion.

8 (f) Many women who have undergone abortion suffer from diagnosable
9 posttraumatic stress disorder or postabortion stress.

10 (g) Posttraumatic stress disorder is a psychological dysfunction
11 rooted in a traumatic experience that overwhelms a person's normal
12 defense mechanisms, resulting in intense fear or feelings of
13 helplessness, captivity, or loss of control. When the stressor leading
14 to posttraumatic stress syndrome is abortion, the condition is
15 frequently termed postabortion syndrome.

16 (h) Mental, emotional, and psychological disorders, including
17 postabortion syndrome, in adults and in children, are as preventable,
18 controllable, or curable as are physical disorders, and the costs of
19 leaving these disorders untreated or undertreated are enormous, often
20 including decreased job productivity, increased job turnover, increased
21 disability costs, deteriorating school performance, increased use of
22 other health care services, treatment delays leading to more costly
23 treatments, drug and alcohol abuse, suicide, family breakdown and
24 poverty, and institutionalization, whether in hospitals, juvenile
25 detention, jails, or prisons.

26 (i) It is no longer cost-effective to treat women suffering from
27 abortion-related disorders differently from persons suffering from
28 medical and surgical disorders. The cost to our children, families,
29 businesses, and society as a whole is too high.

30 (2) The legislature declares that, in the interest of health and
31 welfare, it is the policy of the state to reduce the incidence of
32 postabortion stress syndrome. To reduce the rate of postabortion
33 stress syndrome in Washington, the legislature:

34 (a) Requires insurance coverage at parity for posttraumatic stress
35 disorder services or postabortion stress health services and requires
36 that this coverage be delivered under the same terms and conditions as
37 medical and surgical coverage;

38 (b) Authorizes the department of health to contract for provision
39 of postabortion stress syndrome counseling;

1 (c) Initiates a media campaign to promote counseling for
2 postabortion stress syndrome; and

3 (d) Increases funding for providing postabortion stress syndrome
4 counseling, education, outreach, and services.

5 NEW SECTION. **Sec. 2.** (1) The postabortion stress syndrome
6 counseling account is created in the state treasury. All receipts from
7 the flat fees imposed and collected under subsection (2) of this
8 section must be deposited into the account. Moneys in the account may
9 be spent only after appropriation. Expenditures from the account may
10 be used only for providing postabortion stress syndrome counseling.

11 (2) The department of health shall set a flat fee of twenty dollars
12 for each abortion performed under the provisions of chapter 9.02 RCW.

13 The department shall impose the fee upon the abortion provider,
14 whether that provider is a physician performing the abortion or a
15 facility where the abortion is performed.

16 The fee is not subject to the retail sales tax. The department
17 shall collect the fee. The provider shall remit the fee to the
18 department for each calendar month, no later than the fifth day of the
19 following calendar month.

20 If the provider fails to remit the fee to the department as
21 provided, the provider is personally liable to the state for the amount
22 of the fee.

23 The provider shall certify to the department the number of
24 abortions performed during the calendar month; however, for purposes of
25 this act, the provider shall ensure that the identity of any patient
26 remains confidential.

27 The department shall deposit fees collected under this section in
28 the postabortion stress syndrome counseling account.

29 NEW SECTION. **Sec. 3.** (1) The department of health, to the extent
30 funds are made available, shall:

31 (a) Contract with counseling specialists or organizations with
32 expertise in postabortion stress syndrome counseling to provide a range
33 of direct treatment services related to postabortion stress syndrome to
34 women who have undergone abortion, fathers of aborted children, and
35 health care personnel who participate or have participated in providing
36 abortions;

1 (b) Provide an educational program designed to train primary care
2 professionals, such as mental health professionals, about the effects
3 of postabortion stress syndrome;

4 (c) Provide informational and counseling services to establish and
5 foster peer-support networks throughout the state for families of women
6 who have undergone abortion; and

7 (d) Provide for the families of women who have undergone abortion,
8 through a referral network of community mental health providers who are
9 skilled in treating postabortion stress syndrome.

10 (2) For purposes of this act, the department shall not contract
11 with counseling specialists or organizations that provide abortions or
12 abortion referrals or that have board members or officers who provide
13 abortions or abortion referrals.

14 NEW SECTION. **Sec. 4.** (1) The department of health shall develop
15 a postabortion stress syndrome counseling media campaign in
16 collaboration with major media organizations and other organizations
17 and corporations interested in playing a positive and constructive role
18 in their communities.

19 The department shall ensure that the media campaign is designed to
20 reduce the incidence of postabortion stress syndrome, and is directed
21 toward women and to teens, the fathers of aborted children, and health
22 care personnel who participate or have participated in providing
23 abortions.

24 The department may subcontract all or part of the activities
25 associated with the media campaign to qualified private, nonprofit
26 organizations.

27 (2) For purposes of this act, the department shall not subcontract
28 with organizations that provide abortions or abortion referrals or that
29 have board members or officers who provide abortions or abortion
30 referrals.

31 NEW SECTION. **Sec. 5.** A new section is added to chapter 41.05 RCW
32 to read as follows:

33 (1) For the purpose of this section, "posttraumatic stress disorder
34 services" or "postabortion stress disorder services" means: (a)
35 Outpatient and inpatient services provided to treat any of the
36 posttraumatic stress disorders or postabortion stress disorders as may
37 be provided by the authority by rule, consistent with the purposes of

1 this act, except V codes and those codes defining substance abuse
2 disorders, 291.0 through 292.9 and 303.0 through 305.9 as of the
3 effective date of this section; and (b) prescription drugs, if the plan
4 contract otherwise includes coverage for prescription drugs.

5 (2) Each health plan offered to public employees and their covered
6 dependents under this chapter that is not subject to the provisions of
7 Title 48 RCW and is established or renewed after July 1, 2000, and that
8 provides coverage for hospital or medical care, shall provide coverage
9 for posttraumatic stress disorder services or postabortion stress
10 disorder services. This coverage:

11 (a) Shall only impose treatment limitations or financial
12 requirements on coverage for posttraumatic stress disorder services or
13 postabortion stress disorder services, if the same limitations or
14 requirements are imposed on coverage for medical and surgical services.
15 This includes but is not limited to copays, cost sharing, annual or
16 lifetime dollar limits, outpatient visit limits, outpatient day limits,
17 and inpatient limits. Wellness and preventive services that are
18 reimbursed at one hundred percent without deductible, coinsurance, or
19 other cost sharing are excluded from this comparison; and

20 (b) Shall require one single annual deductible, and one single
21 annual maximum out-of-pocket limit for medical and surgical and
22 posttraumatic stress disorder services or postabortion stress disorder
23 services if annual deductibles and maximum out-of-pocket limits are
24 required by the insuring entity. However, no plan is required to
25 initiate the use of such a deductible or limit.

26 (3) Coverage shall be provided for posttraumatic stress disorder
27 services or postabortion stress disorder services under this section
28 whether services are rendered by any generally recognized medical
29 specialty of practitioners licensed under chapter 18.57 or 18.71 RCW
30 who provide mental health services; psychologists licensed under
31 chapter 18.83 RCW; advanced practice psychiatric nurses as authorized
32 by the nursing care quality assurance commission under chapter 18.79
33 RCW; social workers, marriage and family therapists, and mental health
34 counselors certified under chapter 18.19 RCW; or community mental
35 health centers licensed under chapter 71.24 RCW.

36 (4) This section does not prohibit an insuring entity from
37 requiring the use of preauthorization screening prior to authorizing
38 the delivery of posttraumatic stress disorder services or postabortion
39 stress disorder services or the requirement that mental health services

1 must be medically necessary as determined by its medical director or
2 his or her designee.

3 NEW SECTION. **Sec. 6.** A new section is added to chapter 48.21 RCW
4 to read as follows:

5 (1) For the purpose of this section, "posttraumatic stress disorder
6 services" or "postabortion stress disorder services" means: (a)
7 Outpatient and inpatient services provided to treat any of the
8 posttraumatic stress disorders or postabortion stress disorders covered
9 by the diagnostic categories listed in the most current version of the
10 diagnostic and statistical manual of mental disorders on the effective
11 date of this section or such subsequent date as may be provided by the
12 insurance commissioner by rule, consistent with the purposes of this
13 act, except V codes and those codes defining substance abuse disorders,
14 291.0 through 292.9 and 303.0 through 305.9 as of the effective date of
15 this section; and (b) prescription drugs, if the insurance contract
16 otherwise includes coverage for prescription drugs.

17 (2) All group disability insurance contracts and blanket disability
18 insurance contracts providing health care services to groups with more
19 than fifty persons, issued or renewed after July 1, 2000, and for
20 groups with fifty or fewer persons, issued or renewed after July 1,
21 2001, that provide coverage for posttraumatic stress disorder services
22 or postabortion stress disorder services. This coverage:

23 (a) Shall only impose treatment limitations or financial
24 requirements on coverage for posttraumatic stress disorder services or
25 postabortion stress disorder services, if the same limitations or
26 requirements are imposed on coverage for medical and surgical services.
27 This includes but is not limited to copays, cost sharing, annual or
28 lifetime dollar limits, outpatient visit limits, outpatient day limits,
29 and inpatient limits. Wellness and preventive services that are
30 reimbursed at one hundred percent without deductible, coinsurance, or
31 other cost sharing are excluded from this comparison; and

32 (b) Shall require one single annual deductible, and one single
33 annual maximum out-of-pocket limit for medical and surgical and
34 posttraumatic stress disorder services or postabortion stress disorder
35 services if annual deductibles and maximum out-of-pocket limits are
36 required by the insurer. However, no plan is required to initiate the
37 use of such a deductible or limit.

1 (3) Coverage shall be provided for posttraumatic stress disorder
2 services or postabortion stress disorder services under this section
3 whether services are rendered by any generally recognized medical
4 specialty of practitioners licensed under chapter 18.57 or 18.71 RCW
5 who provide mental health services; psychologists licensed under
6 chapter 18.83 RCW; advanced practice psychiatric nurses as authorized
7 by the nursing care quality assurance commission under chapter 18.79
8 RCW; social workers, marriage and family therapists, and mental health
9 counselors certified under chapter 18.19 RCW; or community mental
10 health centers licensed under chapter 71.24 RCW.

11 (4) This section does not prohibit an insurer from requiring the
12 use of preauthorization screening prior to authorizing the delivery of
13 posttraumatic stress disorder services or postabortion stress disorder
14 services or the requirement that posttraumatic stress disorder services
15 or postabortion stress disorder services must be medically necessary as
16 determined by its medical director or his or her designee.

17 NEW SECTION. **Sec. 7.** A new section is added to chapter 48.44 RCW
18 to read as follows:

19 (1) For the purpose of this section, "posttraumatic stress disorder
20 services" or "postabortion stress disorder services" means: (a)
21 Outpatient and inpatient services provided to treat any of the
22 posttraumatic stress disorders or postabortion stress disorders covered
23 by the diagnostic categories listed in the most current version of the
24 diagnostic and statistical manual of mental disorders on the effective
25 date of this section, or such subsequent date as may be provided by the
26 insurance commissioner by rule, consistent with the purposes of this
27 act, except V codes and those codes defining substance abuse disorders,
28 291.0 through 292.9 and 303.0 through 305.9 as of the effective date of
29 this section; and (b) prescription drugs, if the contract otherwise
30 includes coverage for prescription drugs.

31 (2) All health care service contracts for groups with more than
32 fifty persons, issued or renewed after July 1, 2000, and for groups
33 with fifty or fewer persons, issued or renewed after July 1, 2001, that
34 provide coverage for hospital or medical care shall provide coverage
35 for posttraumatic stress disorder services or postabortion stress
36 disorder services. This coverage:

37 (a) Shall only impose treatment limitations or financial
38 requirements on coverage for posttraumatic stress disorder services or

1 postabortion stress disorder services, if the same limitations or
2 requirements are imposed on coverage for medical and surgical services.
3 This includes but is not limited to copays, cost sharing, annual or
4 lifetime dollar limits, outpatient visit limits, outpatient day limits,
5 and inpatient limits. Wellness and preventive services that are
6 reimbursed at one hundred percent without deductible, coinsurance, or
7 other cost sharing are excluded from this comparison; and

8 (b) Shall require one single annual deductible, and one single
9 annual maximum out-of-pocket limit for medical and surgical and
10 posttraumatic stress disorder services or postabortion stress disorder
11 services if annual deductibles and maximum out-of-pocket limits are
12 required by the health care service contractor. However, no plan is
13 required to initiate the use of such a deductible or limit.

14 (3) Coverage shall be provided for posttraumatic stress disorder
15 services or postabortion stress disorder services under this section
16 whether services are rendered by any generally recognized medical
17 specialty of practitioners licensed under chapter 18.57 or 18.71 RCW
18 who provide mental health services; psychologists licensed under
19 chapter 18.83 RCW; advanced practice psychiatric nurses as authorized
20 by the nursing care quality assurance commission under chapter 18.79
21 RCW; social workers, marriage and family therapists, and mental health
22 counselors certified under chapter 18.19 RCW; or community mental
23 health centers licensed under chapter 71.24 RCW.

24 (4) This section does not prohibit a health care service contractor
25 from requiring the use of preauthorization screening prior to
26 authorizing the delivery of posttraumatic stress disorder services or
27 postabortion stress disorder services or the requirement that
28 posttraumatic stress disorder services or postabortion stress disorder
29 services must be medically necessary as determined by its medical
30 director or his or her designee.

31 NEW SECTION. **Sec. 8.** A new section is added to chapter 48.46 RCW
32 to read as follows:

33 (1) For the purpose of this section, "posttraumatic stress disorder
34 services" or "postabortion stress disorder services" means: (a)
35 Outpatient and inpatient services provided to treat any of the
36 posttraumatic stress disorders or postabortion stress disorders covered
37 by the diagnostic categories listed in the most current version of the
38 diagnostic and statistical manual of mental disorders on the effective

1 date of this section, or such subsequent date as may be provided by the
2 insurance commissioner by rule, consistent with the purposes of this
3 act, except V codes and those codes defining substance abuse disorders,
4 291.0 through 292.9 and 303.0 through 305.9 as of the effective date of
5 this section; and (b) prescription drugs, if the plan contract
6 otherwise includes coverage for prescription drugs.

7 (2) All health benefit plans offered by health maintenance
8 organizations to groups with more than fifty persons, issued or renewed
9 after July 1, 2000, and for groups with fifty or fewer persons, issued
10 or renewed after July 1, 2001, that provide coverage for hospital or
11 medical care shall provide coverage for posttraumatic stress disorder
12 services or postabortion stress disorder services. This coverage:

13 (a) Shall only impose treatment limitations or financial
14 requirements on coverage for posttraumatic stress disorder services or
15 postabortion stress disorder services, if the same limitations or
16 requirements are imposed on coverage for medical and surgical services.
17 This includes but is not limited to copays, cost sharing, annual or
18 lifetime dollar limits, outpatient visit limits, outpatient day limits,
19 and inpatient limits. Wellness and preventive services that are
20 reimbursed at one hundred percent without deductible, coinsurance, or
21 other cost sharing are excluded from this comparison; and

22 (b) Shall require one single annual deductible, and one single
23 annual maximum out-of-pocket limit for medical and surgical and
24 posttraumatic stress disorder services or postabortion stress disorder
25 services if annual deductibles and maximum out-of-pocket limits are
26 required by the health maintenance organization. However, no plan is
27 required to initiate the use of such a deductible or limit.

28 (3) Coverage shall be provided for posttraumatic stress disorder
29 services or postabortion stress disorder services under this section
30 whether services are rendered by any generally recognized medical
31 specialty of practitioners licensed under chapter 18.57 or 18.71 RCW
32 who provide mental health services; psychologists licensed under
33 chapter 18.83 RCW; advanced practice psychiatric nurses as authorized
34 by the nursing care quality assurance commission under chapter 18.79
35 RCW; social workers, marriage and family therapists, and mental health
36 counselors certified under chapter 18.19 RCW; or community mental
37 health centers licensed under chapter 71.24 RCW.

38 (4) This section does not prohibit a health maintenance
39 organization from requiring the use of preauthorization screening prior

1 to authorizing the delivery of posttraumatic stress disorder services
2 or postabortion stress disorder services or the requirement that
3 posttraumatic stress disorder services or postabortion stress disorder
4 services must be medically necessary as determined by its medical
5 director or his or her designee.

6 NEW SECTION. **Sec. 9.** A new section is added to chapter 70.47 RCW
7 to read as follows:

8 Notwithstanding the provisions of RCW 70.47.060, this section
9 governs the provision of posttraumatic stress disorder services or
10 postabortion stress disorder services to subsidized enrollees in the
11 basic health plan.

12 (1) For the purpose of this section, "posttraumatic stress disorder
13 services" or "postabortion stress disorder services" means: (a)
14 Outpatient and inpatient services provided to treat any of the
15 posttraumatic stress disorders or postabortion stress disorders covered
16 by the diagnostic categories listed in the most current version of the
17 diagnostic and statistical manual of mental disorders on the effective
18 date of this section, or such subsequent date as may be provided by the
19 Washington state health care authority by rule, consistent with the
20 purposes of this act, except V codes and those codes defining substance
21 abuse disorders, 291.0 through 292.9 and 303.0 through 305.9 as of the
22 effective date of this section; and (b) prescription drugs, if the plan
23 contract otherwise includes coverage for prescription drugs.

24 (2) After July 1, 2001, the basic health plan shall provide
25 coverage for posttraumatic stress disorder services or postabortion
26 stress disorder services to subsidized children and adults. This
27 coverage:

28 (a) Shall only impose treatment limitations or financial
29 requirements on coverage for posttraumatic stress disorder services or
30 postabortion stress disorder services, if the same limitations or
31 requirements are imposed on coverage for medical and surgical services.
32 This includes but is not limited to copays, cost sharing, annual or
33 lifetime dollar limits, outpatient visit limits, outpatient day limits,
34 and inpatient limits. Wellness and preventive services that are
35 reimbursed at one hundred percent without deductible, coinsurance, or
36 other cost sharing are excluded from this comparison; and

37 (b) Shall require one single annual deductible, and one single
38 annual maximum out-of-pocket limit for medical and surgical and

1 posttraumatic stress disorder services or postabortion stress disorder
2 services if annual deductibles and maximum out-of-pocket limits are
3 required by the administrator. However, no plan is required to
4 initiate the use of such a deductible or limit.

5 (3) Coverage shall be provided for posttraumatic stress disorder
6 services or postabortion stress disorder services under this section
7 whether services are rendered by any generally recognized medical
8 specialty of practitioners licensed under chapter 18.57 or 18.71 RCW
9 who provide mental health services; psychologists licensed under
10 chapter 18.83 RCW; advanced practice psychiatric nurses as authorized
11 by the nursing care quality assurance commission under chapter 18.79
12 RCW; social workers, marriage and family therapists, and mental health
13 counselors certified under chapter 18.19 RCW; or community mental
14 health centers licensed under chapter 71.24 RCW.

15 (4) This section does not prohibit the administrator from requiring
16 the use of preauthorization screening prior to authorizing the delivery
17 of posttraumatic stress disorder services or postabortion stress
18 disorder services or the requirement that posttraumatic stress disorder
19 services or postabortion stress disorder services must be medically
20 necessary as determined by its medical director or his or her designee.

21 **Sec. 10.** RCW 48.21.240 and 1987 c 283 s 3 are each amended to read
22 as follows:

23 (1) Each group insurer providing disability insurance coverage in
24 this state for hospital or medical care under contracts which are
25 issued, delivered, or renewed in this state on or after July 1, 1986,
26 shall offer optional supplemental coverage for mental health treatment,
27 including posttraumatic stress disorder services or postabortion stress
28 disorder services, for the insured and the insured's covered
29 dependents.

30 (2) Benefits shall be provided under the optional supplemental
31 coverage for mental health treatment, including posttraumatic stress
32 disorder services or postabortion stress disorder services, whether
33 treatment is rendered by: (a) A physician licensed under chapter 18.71
34 or 18.57 RCW; (b) a psychologist licensed under chapter 18.83 RCW; (c)
35 a community mental health agency licensed by the department of social
36 and health services pursuant to chapter 71.24 RCW; or (d) a state
37 hospital as defined in RCW 72.23.010. The treatment shall be covered
38 at the usual and customary rates for such treatment. The insurer,

1 health care service contractor, or health maintenance organization
2 providing optional coverage under the provisions of this section for
3 mental health services, including posttraumatic stress disorder
4 services or postabortion stress disorder services, may establish
5 separate usual and customary rates for services rendered by physicians
6 licensed under chapter 18.71 or 18.57 RCW, psychologists licensed under
7 chapter 18.83 RCW, and community mental health centers licensed under
8 chapter 71.24 RCW and state hospitals as defined in RCW 72.23.010.
9 However, the treatment may be subject to contract provisions with
10 respect to reasonable deductible amounts or copayments. In order to
11 qualify for coverage under this section, a licensed community mental
12 health agency shall have in effect a plan for quality assurance and
13 peer review, and the treatment shall be supervised by a physician
14 licensed under chapter 18.71 or 18.57 RCW or by a psychologist licensed
15 under chapter 18.83 RCW.

16 (3) The group disability insurance contract may provide that all
17 the coverage for mental health treatment, including posttraumatic
18 stress disorder services or postabortion stress disorder services, is
19 waived for all covered members if the contract holder so states in
20 advance in writing to the insurer.

21 (4) This section shall not apply to a group disability insurance
22 contract that has been entered into in accordance with a collective
23 bargaining agreement between management and labor representatives prior
24 to March 1, 1987.

25 (5) This section does not apply to groups with more than fifty
26 persons beginning July 1, 2000.

27 **Sec. 11.** RCW 48.44.340 and 1987 c 283 s 4 are each amended to read
28 as follows:

29 (1) Each health care service contractor providing hospital or
30 medical services or benefits in this state under group contracts for
31 health care services under this chapter which are issued, delivered, or
32 renewed in this state on or after July 1, 1986, shall offer optional
33 supplemental coverage for mental health treatment, including
34 posttraumatic stress disorder services or postabortion stress disorder
35 services, for the insured and the insured's covered dependents.

36 (2) Benefits shall be provided under the optional supplemental
37 coverage for mental health treatment, including posttraumatic stress
38 disorder services or postabortion stress disorder services, whether

1 treatment is rendered by: (a) A physician licensed under chapter 18.71
2 or 18.57 RCW; (b) a psychologist licensed under chapter 18.83 RCW; (c)
3 a community mental health agency licensed by the department of social
4 and health services pursuant to chapter 71.24 RCW; or (d) a state
5 hospital as defined in RCW 72.23.010. The treatment shall be covered
6 at the usual and customary rates for such treatment. The insurer,
7 health care service contractor, or health maintenance organization
8 providing optional coverage under the provisions of this section for
9 mental health services, including posttraumatic stress disorder
10 services or postabortion stress disorder services, may establish
11 separate usual and customary rates for services rendered by physicians
12 licensed under chapter 18.71 or 18.57 RCW, psychologists licensed under
13 chapter 18.83 RCW, and community mental health centers licensed under
14 chapter 71.24 RCW and state hospitals as defined in RCW 72.23.010.
15 However, the treatment may be subject to contract provisions with
16 respect to reasonable deductible amounts or copayments. In order to
17 qualify for coverage under this section, a licensed community mental
18 health agency shall have in effect a plan for quality assurance and
19 peer review, and the treatment shall be supervised by a physician
20 licensed under chapter 18.71 or 18.57 RCW or by a psychologist licensed
21 under chapter 18.83 RCW.

22 (3) The group contract for health care services may provide that
23 all the coverage for mental health treatment, including posttraumatic
24 stress disorder services or postabortion stress disorder services, is
25 waived for all covered members if the contract holder so states in
26 advance in writing to the health care service contractor.

27 (4) This section shall not apply to a group health care service
28 contract that has been entered into in accordance with a collective
29 bargaining agreement between management and labor representatives prior
30 to March 1, 1987.

31 (5) This section does not apply to groups with more than fifty
32 persons beginning July 1, 2000.

33 **Sec. 12.** RCW 48.46.290 and 1987 c 283 s 5 are each amended to read
34 as follows:

35 (1) Each health maintenance organization providing services or
36 benefits for hospital or medical care coverage in this state under
37 group health maintenance agreements which are issued, delivered, or
38 renewed in this state on or after July 1, 1986, shall offer optional

1 supplemental coverage for mental health treatment, including
2 posttraumatic stress disorder services or postabortion stress disorder
3 services, to the enrolled participant and the enrolled participant's
4 covered dependents.

5 (2) Benefits shall be provided under the optional supplemental
6 coverage for mental health treatment, including posttraumatic stress
7 disorder services or postabortion stress disorder services, whether
8 treatment is rendered by the health maintenance organization or the
9 health maintenance organization refers the enrolled participant or the
10 enrolled participant's covered dependents for treatment to: (a) A
11 physician licensed under chapter 18.71 or 18.57 RCW; (b) a psychologist
12 licensed under chapter 18.83 RCW; (c) a community mental health agency
13 licensed by the department of social and health services pursuant to
14 chapter 71.24 RCW; or (d) a state hospital as defined in RCW 72.23.010.
15 The treatment shall be covered at the usual and customary rates for
16 such treatment. The insurer, health care service contractor, or health
17 maintenance organization providing optional coverage under the
18 provisions of this section for mental health services, including
19 posttraumatic stress disorder services or postabortion stress disorder
20 services, may establish separate usual and customary rates for services
21 rendered by physicians licensed under chapter 18.71 or 18.57 RCW,
22 psychologists licensed under chapter 18.83 RCW, and community mental
23 health centers licensed under chapter 71.24 RCW and state hospitals as
24 defined in RCW 72.23.010. However, the treatment may be subject to
25 contract provisions with respect to reasonable deductible amounts or
26 copayments. In order to qualify for coverage under this section, a
27 licensed community mental health agency shall have in effect a plan for
28 quality assurance and peer review, and the treatment shall be
29 supervised by a physician licensed under chapter 18.71 or 18.57 RCW or
30 by a psychologist licensed under chapter 18.83 RCW.

31 (3) The group health maintenance agreement may provide that all the
32 coverage for mental health treatment, including posttraumatic stress
33 disorder services or postabortion stress disorder services, is waived
34 for all covered members if the contract holder so states in advance in
35 writing to the health maintenance organization.

36 (4) This section shall not apply to a group health maintenance
37 agreement that has been entered into in accordance with a collective
38 bargaining agreement between management and labor representatives prior
39 to March 1, 1987.

1 (5) This section does not apply to groups with more than fifty
2 persons beginning July 1, 2000.

3 NEW SECTION. **Sec. 13.** The following acts or parts of acts are
4 each repealed, effective July 1, 2001:

5 (1) RCW 48.21.240 (Mental health treatment, optional supplemental
6 coverage--Waiver) and 1999 c . . . s 10 (section 10 of this act), 1987
7 c 283 s 3, 1986 c 184 s 2, & 1983 c 35 s 1;

8 (2) RCW 48.44.340 (Mental health treatment, optional supplemental
9 coverage--Waiver) and 1999 c . . . s 11 (section 11 of this act), 1987
10 c 283 s 4, 1986 c 184 s 3, & 1983 c 35 s 2; and

11 (3) RCW 48.46.290 (Mental health treatment, optional supplemental
12 coverage--Waiver) and 1999 c . . . s 12 (section 12 of this act), 1987
13 c 283 s 5, 1986 c 184 s 4, & 1983 c 35 s 3.

14 NEW SECTION. **Sec. 14.** If any provision of this act or its
15 application to any person or circumstance is held invalid, the
16 remainder of the act or the application of the provision to other
17 persons or circumstances is not affected.

18 NEW SECTION. **Sec. 15.** Sections 2 through 4 of this act constitute
19 a new chapter in Title 70 RCW.

--- END ---