
SENATE BILL 6651

State of Washington

58th Legislature

2004 Regular Session

By Senators Deccio and Parlette

Read first time 01/28/2004. Referred to Committee on Health & Long-Term Care.

1 AN ACT Relating to requiring the department of social and health
2 services to establish an evidence-based medical necessity definition
3 and decision-making process for its medical assistance programs; adding
4 a new section to chapter 74.09 RCW; and declaring an emergency.

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

6 NEW SECTION. **Sec. 1.** A new section is added to chapter 74.09 RCW
7 to read as follows:

8 (1) The legislature finds that: The robust development and
9 availability of new drugs, treatments, and therapies requires greater
10 efforts to assure that medical assistance clients will not be harmed or
11 injured by inappropriate service utilization; the growing limitations
12 on available resources require funds be spent in a cost-efficient and
13 effective manner to improve the health of clients; the department's
14 current definition of medical necessity for determining services under
15 this chapter is outdated and inadequate; and certain orders in
16 Washington state superior court cases unduly restrict the department
17 from adopting necessary rule modifications, which results in
18 inefficiencies and possible harm to clients.

1 (2) It is the intent of the legislature that the department adopt
2 a new definition and decision-making process for the term "medical
3 necessity" for use in programs authorized under this chapter that, to
4 the extent possible, improves health status and avoids harm to clients.

5 (3) By September 1, 2004, the department shall establish, by rule,
6 a medical necessity definition and decision-making process for all
7 programs authorized under this chapter, conditioned as follows:

8 (a) The department is the authority for all medical necessity
9 service determinations;

10 (b) The definition must be established on evidence-based standards
11 establishing criteria for new and existing health services;

12 (c) The definition must set forth complementary definitions to
13 include, but not be limited to, "cost-effective," "effective,"
14 "efficacy," "evidence," "expert opinion," "medical condition,"
15 "purpose," "scientific evidence," and "scope";

16 (d) In developing the medical necessity definition and decision-
17 making process, the department should consider, to the extent
18 practicable, model definitions developed by prominent academic health
19 centers and under consideration nationally by publicly funded health
20 programs or private health purchasing organizations; and

21 (e) The department must endeavor to complement uniform policy
22 directives set forth in RCW 41.05.013.

23 (4) To the extent the new definition and decision-making process
24 for medical necessity adopted by the department differs from the
25 definitions, conditions, and processes provided in court orders, the
26 department's new definition and procedures shall control.

27 (5) The secretary shall report by letter to the health policy
28 committees of the legislature on the implementation of this section by
29 October 1, 2004.

30 NEW SECTION. **Sec. 2.** This act is necessary for the immediate
31 preservation of the public peace, health, or safety, or support of the
32 state government and its existing public institutions, and takes effect
33 immediately.

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