

SENATE BILL REPORT

SB 5681

As Reported By Senate Committee On:
Health & Long-Term Care, February 28, 2005

Title: An act relating to exempting recipients of medical assistance under Title 74 RCW from independent review determinations.

Brief Description: Exempting recipients of medical assistance under Title 74 RCW from independent review determinations.

Sponsors: Senators Keiser, Parlette, Brandland and Rasmussen; by request of Department of Social and Health Services.

Brief History:

Committee Activity: Health & Long-Term Care: 2/14/05, 2/28/05 [DP].

SENATE COMMITTEE ON HEALTH & LONG-TERM CARE

Majority Report: Do pass.

Signed by Senators Keiser, Chair; Thibaudeau, Vice Chair; Benson, Brandland, Franklin, Johnson, Kastama, Parlette and Poulsen.

Staff: Stephanie Yurcisin (786-7438)

Background: The "Patient Bill of Rights" was enacted by the Legislature in 2000 and includes provisions authorizing health plan enrollees to seek review of a carrier's coverage or payment decisions from an independent review organization. A process for such review is also established. Enrollees in the managed care plans of the state's Medicaid program are among those to whom these provisions apply.

The Patient Bill of Rights also grants an enrollee, in certain circumstances, the right to sue his or her carrier. A suit may not be brought, however, unless the person first seeks relief from the independent review process.

Medicaid enrollees are also granted, under federal law, fair hearing rights for grievances. These rights tend to duplicate the rights afforded to them under state law. Time lines and other features imposed under the federal law, however, have made it difficult to reconcile this federal process with the state independent review process. Because of the primacy of federal law, it is suggested that the duplication is best eliminated by exempting Medicaid from the state law.

Summary of Bill: Managed care plans under the state Medicaid program are exempt from the independent review process established under the Patient Bill of Rights. A person may not sue his or her carrier under the Patient Bill of Rights unless they first seek relief from an independent review organization or, in the case of Medicaid enrollees, from the Medicaid fair hearing process.

The Patient Bill of Rights is also clarified to assure that a Medicaid enrollee's right to sue is not affected by the Medicaid exemption from the independent review process.

Appropriation: None.

Fiscal Note: Available.

Committee/Commission/Task Force Created: No.

Effective Date: Ninety days after adjournment of session in which bill is passed.

Testimony For: Streamlining the approach for Medicaid patients will still afford them all of their appeals rights under federal law while removing the duplicative state independent review organization requirements. It makes the access to the appeals process shorter and less confusing for the patients.

Testimony Against: None.

Who Testified: PRO: Mary Anne Lindeblad, Department of Social and Health Services; Sydney Smith Zvara, Association of Washington Healthcare Plans.