

2SSB 5597 - H COMM AMD

By Committee on Appropriations

NOT ADOPTED 04/06/2007

1 Strike everything after the enacting clause and insert the
2 following:

3 "NEW SECTION. **Sec. 1.** A new section is added to chapter 48.43 RCW
4 to read as follows:

5 (1) Health carriers may not directly or indirectly, through
6 contract or otherwise, refuse to reimburse a chiropractor, who has
7 signed a participating provider agreement, for the provision of health
8 care services if:

9 (a) The health care service is:

10 (i) Medically necessary;

11 (ii) Within the scope of practice of the chiropractor;

12 (iii) Provided by the chiropractor or the chiropractor's employees
13 who work in the same location as the chiropractor and either are
14 licensed under chapter 18.25 RCW or are employees specified in RCW
15 18.25.190 (2) or (3) to whom the chiropractor has delegated the work
16 pursuant to rules adopted by the Washington state chiropractic quality
17 assurance commission, and such services are determined by the carrier
18 to be medically necessary consistent with RCW 48.43.045 and 48.43.545.
19 Such employees must meet the health carrier's reasonable qualifications
20 for all such providers in the relevant class, including but not limited
21 to standards for education, background checks, and licensure, as
22 applicable; and

23 (iv) Covered chiropractic health care, as defined in RCW 48.43.515,
24 for the health plan under which the enrollee received the services; and

25 (b) The chiropractor complies with the terms and conditions of the
26 participating provider agreement, including any requirements for cost
27 containment or participation in an evidence-based quality assurance
28 program.

29 (2) When offering a plan network provider contract to a
30 chiropractic practice, whether the practice consists of two or more

1 chiropractors as partners, members, or shareholders, health carriers
2 must offer all chiropractors in the practice the opportunity to be
3 participating providers, subject to the chiropractor's compliance with
4 RCW 48.43.045(1)(b). This subsection does not prohibit a participating
5 provider agreement from allowing either party to terminate the
6 agreement without cause under the terms of the agreement.

7 (3) This section does not relieve a chiropractor from
8 responsibility or liability imposed by law for delegated services
9 performed by the chiropractor's employee.

10 (4) Any term or condition of any participating provider agreement
11 between a chiropractor and a health carrier that attempts to waive this
12 section is invalid.

13 (5) This section applies only to participating provider agreements
14 that are executed or renewed on or after January 1, 2008.

15 **Sec. 2.** RCW 41.05.017 and 2000 c 5 s 20 are each amended to read
16 as follows:

17 Each health plan that provides medical insurance offered under this
18 chapter, including plans created by insuring entities, plans not
19 subject to the provisions of Title 48 RCW, and plans created under RCW
20 41.05.140, are subject to the provisions of RCW 48.43.500, 70.02.045,
21 48.43.505 through 48.43.535, 43.70.235, 48.43.545, 48.43.550,
22 70.02.110, (~~and~~) 70.02.900, and section 1 of this act.

23 NEW SECTION. **Sec. 3.** This act does not affect any existing right
24 acquired or liability or obligation incurred prior to the effective
25 date of this act.

26 NEW SECTION. **Sec. 4.** If any provision of this act or its
27 application to any person or circumstance is held invalid, the
28 remainder of the act or the application of the provision to other
29 persons or circumstances is not affected."

30 Correct the title.

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