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**SUBSTITUTE SENATE BILL 6273**

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**State of Washington**

**61st Legislature**

**2010 Regular Session**

**By** Senate Health & Long-Term Care (originally sponsored by Senators Swecker, Fairley, Keiser, Hatfield, Pflug, Stevens, Shin, and McCaslin)

READ FIRST TIME 01/27/10.

1       AN ACT Relating to insurance coverage of the sales tax for  
2 prescribed durable medical equipment and mobility enhancing equipment;  
3 and adding a new section to chapter 48.43 RCW.

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

5       NEW SECTION. **Sec. 1.** A new section is added to chapter 48.43 RCW  
6 to read as follows:

7       (1) Health plans issued or renewed on or after January 1, 2011,  
8 that include coverage for prescribed durable medical equipment and  
9 mobility enhancing equipment must include the sales tax or use tax  
10 calculation in plan payment, consistent with the application of sales  
11 tax in chapter 82.08 RCW or use tax in chapter 82.12 RCW.

12       (2) The payment for covered durable medical equipment and mobility  
13 enhancing equipment must:

14       (a) Reflect the negotiated provider agreement for the prescribed  
15 equipment; and

16       (b) Separately identify the sales tax or use tax calculation that  
17 is included in the payment if the provider submitting a claim or  
18 invoice for reimbursement submits to the health plan a claim or invoice  
19 with a separate line item for the geographically adjusted sales tax.

1           (3) The following definitions apply to this section unless the  
2 context clearly requires otherwise.

3           (a) "Durable medical equipment" means equipment, including repair  
4 and replacement parts for durable medical equipment that:

- 5           (i) Can withstand repeated use;
- 6           (ii) Is primarily and customarily used to serve a medical purpose;
- 7           (iii) Generally is not useful to a person in the absence of illness  
8 or injury; and
- 9           (iv) Is not worn in or on the body.

10          (b) "Mobility enhancing equipment" means equipment, including  
11 repair and replacement parts for mobility enhancing equipment that:

- 12          (i) Is primarily and customarily used to provide or increase the  
13 ability to move from one place to another and that is appropriate for  
14 use either in a home or a motor vehicle;
- 15          (ii) Is not generally used by persons with normal mobility; and
- 16          (iii) Does not include any motor vehicle or equipment on a motor  
17 vehicle normally provided by a motor vehicle manufacturer.

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