
SUBSTITUTE HOUSE BILL 1561

State of Washington 62nd Legislature 2011 Regular Session

By House Health Care & Wellness (originally sponsored by Representatives Cody, Jinkins, and Kenney)

READ FIRST TIME 02/17/11.

1 AN ACT Relating to payment for critical services rendered by out-
2 of-network providers in in-network hospitals; and adding a new section
3 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)(a) A hospital with an emergency department shall post in a
8 conspicuous manner in its reception area a sign indicating whether the
9 providers in the emergency department are nonparticipating providers
10 with any of the health carriers with whom the hospital participates.
11 A hospital is not required to comply with this requirement if the
12 providers in its emergency department participate with all of the
13 carriers with whom the hospital participates.

14 (b) A hospital with an emergency department shall provide the
15 information required in (a) of this subsection to every patient
16 receiving emergency services in the emergency department, or the
17 patient's representative, when obtaining informed consent for the
18 emergency services. The hospital is not required to comply with this

1 subsection if to do so would endanger the life or health of the
2 patient.

3 (c) A hospital that does not comply with the requirements of this
4 section shall promptly reimburse the patient for any amount billed to
5 the patient by a nonparticipating provider for emergency services, with
6 the exception of any applicable cost sharing.

7 (2)(a) In any explanation of benefits sent to a covered person, a
8 health carrier shall inform the covered person:

9 (i) Whether any covered emergency services were provided by a
10 nonparticipating provider;

11 (ii) That the covered person may be subject to billing by the
12 nonparticipating provider for the difference between the amount paid by
13 the health carrier and the provider's billed charges; and

14 (iii) That the amount billed by the nonparticipating provider is
15 often subject to negotiation and that the covered person may wish to
16 contact the provider about the bill.

17 (b) A health carrier that does not comply with (a) of this
18 subsection shall promptly reimburse the covered person for any amount
19 billed to the patient by a nonparticipating provider for emergency
20 services, with the exception of any applicable cost sharing.

21 (3)(a) A nonparticipating provider who bills a covered person for
22 emergency services shall inform the person in writing that:

23 (i) The amount in the bill may not be reflective of the provider's
24 actual costs and may be subject to negotiation; and

25 (ii) The covered person may not be responsible for paying the
26 amount under subsection (1)(b) or (2)(b) of this section.

27 (b) A nonparticipating provider who does not comply with this
28 subsection (3) shall promptly refund any amounts collected from the
29 covered person, with the exception of any applicable cost sharing.
30 Failure to provide a refund to the covered person constitutes
31 unprofessional conduct under chapter 18.130 RCW.

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