
SENATE BILL 5039

State of Washington 62nd Legislature 2011 Regular Session

By Senators Murray, Keiser, Hatfield, Pridemore, Conway, and Chase

Read first time 01/11/11. Referred to Committee on Health & Long-Term Care.

1 AN ACT Relating to insurance coverage of tobacco cessation
2 treatment in the preventative benefit required under the federal law;
3 adding new sections to chapter 48.43 RCW; creating a new section; and
4 providing a contingent expiration date.

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

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

8 To the extent required by federal law, a group or individual plan
9 contract that is issued, amended, renewed, or delivered on or after
10 September 23, 2010, must comply with the requirements of section 2713
11 of the federal public health service act (42 U.S.C. Sec. 200 gg-13), as
12 added by section 1001 of the federal patient protection and affordable
13 care act (P.L. 111-148), and any subsequent rules or regulations issued
14 pursuant to that section, to provide coverage for certain preventive
15 health services without imposing cost sharing.

16 NEW SECTION. **Sec. 2.** A new section is added to chapter 48.43 RCW
17 to read as follows:

18 (1) Group and individual plan contracts issued, amended, renewed,

1 or delivered on or after January 1, 2012, must cover a minimum of two
2 courses of treatment in a twelve-month period for all tobacco cessation
3 treatments rated "A" or "B" by the United States preventive services
4 task force, which must include counseling and over-the-counter
5 medication and prescription pharmacotherapy approved by the federal
6 food and drug administration.

7 (2) The coverage provided pursuant to this section is only
8 available upon the order of an authorized provider. Nothing in this
9 section precludes a health plan from allowing enrollees to access
10 tobacco cessation services on a self-referral basis.

11 (3) As used in this section, "course of treatment" means:

12 (a) As applied to counseling, at least four sessions of counseling,
13 which may be telephone, group, or individual counseling with each
14 session lasting at least ten minutes; or

15 (b) As applied to a prescription or over-the-counter medication,
16 the duration of treatment approved by the federal food and drug
17 administration for that medication.

18 (4) Enrollees may not be required to enter counseling in order to
19 receive tobacco cessation medications after the patient's first course
20 of treatment.

21 (5) A health plan may not impose prior authorization or stepped-
22 care requirements on tobacco cessation treatments.

23 NEW SECTION. **Sec. 3.** Section 2 of this act expires on the date
24 that the office of the insurance commissioner determines that the
25 requirements of section 2 of this act will result in the state assuming
26 additional costs pursuant to U.S.C. Sec. 1311 of the federal patient
27 protection and affordable care act (P.L. 111-148), as amended by
28 subsection (e) of Sec. 10104 of Title X of that federal act, as that
29 federal act existed on the effective date of this section.

30 NEW SECTION. **Sec. 4.** The office of the insurance commissioner
31 must provide notice of the expiration date of section 2 of this act to
32 affected parties, the chief clerk of the house of representatives, the
33 secretary of the senate, the office of the code reviser, and others as
34 deemed appropriate by the office of the insurance commissioner.

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