

SSB 5601 - H COMM AMD

By Committee on Health Care & Wellness

ADOPTED 04/16/2013

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

3 "NEW SECTION. **Sec. 1.** (1) The legislature recognizes the
4 complexity of the health care delivery system and the need to provide
5 a clear and consistent regulatory framework to enable health care
6 providers to manage their operations in an efficient and effective
7 manner. The legislature also recognizes that the donation of
8 electronic health records systems reduces health care costs, promotes
9 patient safety, and improves the quality of health care.

10 (2) To further the important national policy of promoting the
11 widespread adoption of electronic health records systems, the federal
12 antikickback statute and the rules adopted to implement the statute
13 contain a safe harbor that allows the donation of electronic health
14 records systems. The federal statute and rules also contain additional
15 safe harbors to preserve a variety of other activities which, in many
16 cases, improve access to health care. For health care entities other
17 than clinical laboratories, the legality of all of these arrangements
18 is currently in question.

19 (3) The legislature is adding language to chapter 19.68 RCW to
20 clarifying existing law and ensure that, except with respect to
21 arrangements involving an entity which principally operates as a
22 clinical laboratory, it is interpreted in a manner consistent with the
23 federal antikickback statute.

24 NEW SECTION. **Sec. 2.** (1) Nothing in this chapter may be construed
25 to limit or prohibit the donation of electronic health record
26 technology or other activity by any entity, including a hospital
27 licensed under chapter 70.41 RCW that operates a clinical laboratory,
28 when the donation or other activity is allowed by or otherwise does not

1 violate, 42 U.S.C. Sec. 1320a-7b(b) or the federal rules adopted to
2 implement 42 U.S.C. Sec. 1320a-7b(b).

3 (2) This section does not apply to any entity which principally
4 operates as a clinical laboratory licensed or certified under section
5 353 of the public health service act, 42 U.S.C. Sec. 263a, or other
6 applicable Washington state law.

7 NEW SECTION. **Sec. 3.** The definitions in this section apply
8 throughout this chapter unless the context clearly requires otherwise.

9 "Electronic health record technology" means items and services, in
10 the form of software or information technology and training services,
11 necessary and used predominantly to create, maintain, transmit, or
12 receive electronic health records.

13 NEW SECTION. **Sec. 4.** This act applies retroactively to June 1,
14 2006, as well as prospectively.

15 NEW SECTION. **Sec. 5.** Sections 2 and 3 of this act are each added
16 to chapter 19.68 RCW."

17 Correct the title.

EFFECT: Applies the act retroactively to June 1, 2006.

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