

SENATE BILL REPORT

ESHB 1523

As of March 14, 2017

Title: An act relating to requiring health plans to cover, with no cost sharing, all preventive services required to be covered under federal law as of December 31, 2016.

Brief Description: Requiring health plans to cover, with no cost sharing, all preventive services required to be covered under federal law as of December 31, 2016.

Sponsors: House Committee on Health Care & Wellness (originally sponsored by Representatives Robinson, Johnson, Cody, Harris, Pollet, Doglio, Appleton, Fitzgibbon, Tharinger, Farrell, McBride, Fey and Macri).

Brief History: Passed House: 3/01/17, 70-28.

Committee Activity: Health Care: 3/14/17.

Brief Summary of Bill

- Requires regulated health plans to cover the same preventive services required by federal law as of December 31, 2016.

SENATE COMMITTEE ON HEALTH CARE

Staff: Mich'l Needham (786-7442)

Background: The federal Patient Protection and Affordable Care Act requires health plans to cover the following preventive services with no cost sharing:

- items or services with an "A" or "B" rating from the United States Preventive Services Task Force;
- immunizations recommended by the Advisory Committee on Immunization Practices of the Centers for Disease Control and Prevention;
- preventive care and screenings for children recommended by the United States Health Resources and Services Administration's (HRSA) Bright Futures Project; and
- additional services supported by the HRSA.

Preventive services covered by this requirement include the following:

- immunizations for certain diseases, including diphtheria, hepatitis, influenza, and measles;

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- autism screening for children aged 18-24 months;
- blood pressure and cholesterol screenings;
- screenings for certain diseases, including diabetes, colorectal cancer, and HIV; and
- contraception for women—this requirement is limited under some circumstances by federal rule and Supreme Court precedent.

Summary of Bill: A regulated health plan must, at a minimum, provide coverage for the same preventive services required by the Patient Protection and Affordable Care Act (PPACA) and any federal rules or guidance in effect on December 31, 2016, implementing the PPACA's preventive services requirement. The health plan may not impose cost-sharing requirements for these preventive services. The Insurance Commissioner must enforce the requirement consistent with federal rules, guidance, and case law in effect on December 31, 2016, applicable to the preventive services requirement in the PPACA.

Appropriation: None.

Fiscal Note: Available.

Creates Committee/Commission/Task Force that includes Legislative members: No.

Effective Date: Ninety days after adjournment of session in which bill is passed.

Staff Summary of Public Testimony: PRO: This is a proposal to ensure the preventive services that are already covered remain covered with no cost sharing. These preventive screenings, like cancer screenings and diabetes screenings, help people stay healthy and save lives. Ninety-eight percent of women will use contraception at some point in their lives. On average, a woman may use contraceptives for 30 years, which can add up to considerable cost.

CON: We oppose this on religious grounds. This mandate violates our religious freedom and forces those who object coverage of certain devices and drugs to cover them. Of the 20 drugs and devices required there are 4 that can kill an embryo. The case law does not apply in Washington. This coercive mandate forces everyone to pay for drugs that cause abortions. Increased government mandates increase the cost of health plan coverage. Businesses and individuals do not want to facilitate violating religious freedom. This forces health plans to cover abortifacients and there is not an effective conscience clause. The federal law is incomplete and forces faith based employers to cover items they object to.

Persons Testifying: PRO: Representative June Robinson, Prime Sponsor; Mary McHale, American Cancer Society Cancer Action Network; Kathryn Kolan, Washington State Medical Assoc.; Melanie Smith, NARAL Pro-Choice Washington.

CON: Michael Pauley, Human Life of Washington; Chris Plante, Family Policy Institute of Washington; Camille Pauley, Healing the Culture; Theresa Schrempp, citizen.

Persons Signed In To Testify But Not Testifying: No one.