

SHB 1196 - H AMD TO H AMD (H-1083.2/21) **108**

By Representative Riccelli

ADOPTED 02/24/2021

1 On page 3, line 9 of the striking amendment, after "(8)" insert
2 "(a)"

3
4 On page 3, after line 14 of the striking amendment, insert the
5 following:

6 "(b) If the health care authority has cause to believe that a
7 provider has engaged in a pattern of unresolved violations of this
8 subsection (8), the health care authority may submit information to
9 the appropriate disciplining authority for action. Prior to
10 submitting information to the appropriate disciplining authority,
11 the health care authority may provide the provider with an
12 opportunity to cure the alleged violations or explain why the
13 actions in question did not violate this subsection (8).

14 (c) If the provider has engaged in a pattern of unresolved
15 violations of this subsection (8), the appropriate disciplining
16 authority may levy a fine or cost recovery upon the provider in an
17 amount not to exceed the applicable statutory amount per violation
18 and take other action as permitted under the authority of the
19 disciplining authority. Upon completion of its review of any
20 potential violation submitted by the health care authority or
21 initiated directly by an enrollee, the disciplining authority shall
22 notify the health care authority of the results of the review,
23 including whether the violation was substantiated and any
24 enforcement action taken as a result of a finding of a substantiated
25 violation."

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1 On page 3, line 17 of the striking amendment, after "audio-only"
2 strike "telephone"

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4 On page 3, line 25 of the striking amendment, after "audio-only"
5 strike "telephone"

6
7 On page 3, line 28 of the striking amendment, after "(b)" insert
8 "Disciplining authority has the same meaning as in RCW 18.130.020;
9 (c)"

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11 Renumber the remaining subsections consecutively and correct
12 any internal references accordingly.

13
14 On page 6, line 19 of the striking amendment, after "(8)" insert
15 "(a)"

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17 On page 6, after line 24 of the striking amendment, insert the
18 following:

19 "(b) If the commissioner has cause to believe that a provider
20 has engaged in a pattern of unresolved violations of this subsection
21 (8), the commissioner may submit information to the appropriate
22 disciplining authority for action. Prior to submitting information
23 to the appropriate disciplining authority, the commissioner may
24 provide the provider with an opportunity to cure the alleged
25 violations or explain why the actions in question did not violate
26 this subsection (8).

27 "(c) If the provider has engaged in a pattern of unresolved
28 violations of this subsection (8), the appropriate disciplining
29 authority may levy a fine or cost recovery upon the provider in an
30 amount not to exceed the applicable statutory amount per violation
31 and take other action as permitted under the authority of the
32 disciplining authority. Upon completion of its review of any
33 potential violation submitted by the commissioner or initiated
34 directly by an enrollee, the disciplining authority shall notify the

1 commissioner of the results of the review, including whether the
2 violation was substantiated and any enforcement action taken as a
3 result of a finding of a substantiated violation."

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5 On page 6, line 27 of the striking amendment, after "audio-only"
6 strike "telephone"

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8 On page 6, line 35 of the striking amendment, after "audio-only"
9 strike "telephone"

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11 On page 6, line 38 of the striking amendment, after "(b)"
12 insert "Disciplining authority" has the same meaning as in RCW
13 18.130.020;

14 (c)"

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16 Renumber the remaining subsections consecutively and correct
17 any internal references accordingly.

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19 On page 8, line 13 of the striking amendment, after "audio-only"
20 strike "telephone"

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22 On page 8, line 20 of the striking amendment, after "audio-only"
23 strike "telephone"

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25 On page 11, line 25 of the striking amendment, after "(8)" insert
26 "(a)"

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28 On page 11, after line 31 of the striking amendment, insert the
29 following:

30 "(b) If the health care authority has cause to believe that a
31 provider has engaged in a pattern of unresolved violations of this
32 subsection (8), the health care authority may submit information to
33 the appropriate disciplining authority for action. Prior to
34 submitting information to the appropriate disciplining authority,

1 the health care authority may provide the provider with an
2 opportunity to cure the alleged violations or explain why the
3 actions in question did not violate this subsection (8).

4 (c) If the provider has engaged in a pattern of unresolved
5 violations of this subsection (8), the appropriate disciplining
6 authority may levy a fine or cost recovery upon the provider in an
7 amount not to exceed the applicable statutory amount per violation
8 and take other action as permitted under the authority of the
9 disciplining authority. Upon completion of its review of any
10 potential violation submitted by the health care authority or
11 initiated directly by an enrollee, the disciplining authority shall
12 notify the health care authority of the results of the review,
13 including whether the violation was substantiated and any
14 enforcement action taken as a result of a finding of a substantiated
15 violation."

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17 On page 11, line 34 of the striking amendment, after "audio-
18 only" strike "telephone"

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20 On page 12, line 2 of the striking amendment, after "audio-only"
21 strike "telephone"

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23 On page 12, line 5 of the striking amendment, after "(b)" insert
24 "Disciplining authority" has the same meaning as in RCW 18.130.020;

25 (c)"

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27 Renumber the remaining subsections consecutively and correct
28 any internal references accordingly.

29
30 On page 15, line 3 of the striking amendment, after "(8)" insert
31 "(a)"

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33 On page 15, after line 8 of the striking amendment, insert the
34 following:

1 "(b) If the health care authority has cause to believe that a
2 provider has engaged in a pattern of unresolved violations of this
3 subsection (8), the health care authority may submit information to
4 the appropriate disciplining authority for action. Prior to
5 submitting information to the appropriate disciplining authority,
6 the health care authority may provide the provider with an
7 opportunity to cure the alleged violations or explain why the
8 actions in question did not violate this subsection (8).

9 (c) If the provider has engaged in a pattern of unresolved
10 violations of this subsection (8), the appropriate disciplining
11 authority may levy a fine or cost recovery upon the provider in an
12 amount not to exceed the applicable statutory amount per violation
13 and take other action as permitted under the authority of the
14 disciplining authority. Upon completion of its review of any
15 potential violation submitted by the health care authority or
16 initiated directly by an enrollee, the disciplining authority shall
17 notify the health care authority of the results of the review,
18 including whether the violation was substantiated and any
19 enforcement action taken as a result of a finding of a substantiated
20 violation."

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22 On page 15, line 11 of the striking amendment, after "audio-
23 only" strike "telephone"

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25 On page 15, line 19 of the striking amendment, after "audio-
26 only" strike "telephone"

27
28 On page 15, line 22 of the striking amendment, after "(b)"
29 insert "Disciplining authority" has the same meaning as in RCW
30 18.130.020;

31 (c)"

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33 Renumber the remaining subsections consecutively and correct
34 any internal references accordingly.

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2 On page 17, line 6 of the striking amendment, after "only"
3 strike "telephone"

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5 On page 17, line 13 of the striking amendment, after "audio-
6 only" strike "telephone"

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8 On page 19, beginning on line 26 of the striking amendment,
9 after "19.68 RCW" strike all material through "74.09.325(8),"

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11 On page 19, line 28 of the striking amendment, after "RCW"
12 strike "48.49.020 or 48.49.030" and insert "41.05.700(8),
13 48.43.735(8), 48.49.020 ((~~or~~)), 48.49.030, 71.24.335(8), or
14 74.09.325(8)"

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16 On page 20, beginning on line 28 of the striking amendment,
17 strike all of subsection (e)

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19 Renumber the remaining subsections consecutively and correct
20 any internal references accordingly.

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EFFECT: Removes provisions making each violation of the patient consent requirement a violation of the Uniform Disciplinary Act. Instead, requires a pattern of potential violations of the patient consent requirement to be reported to the appropriate disciplining authority. Requires the provider to be afforded the opportunity to cure or explain the pattern of violations prior to the report being submitted. Allows the disciplining authority to levy a fine or cost recovery upon the provider in an amount not to exceed the applicable statutory amount per violation and take other action as permitted under the authority of the disciplining authority. Requires, upon completion of the disciplining authority's review of any potential violation, notification to be provided to the Insurance Commissioner or the Health Care Authority of the results of the review, including whether the violation was substantiated and any enforcement action taken as a result of a finding of a substantiated violation.

Removes the requirement that the audio-only telemedicine services be provided via telephone.

Removes the requirement that the Insurance Commissioner's recommendations include the extent to which telemedicine reimbursement requirements should be extended to Industrial Insurance and other programs administered by the Department of Labor and Industries.

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