

CERTIFICATION OF ENROLLMENT

SUBSTITUTE SENATE BILL 5169

67th Legislature
2021 Regular Session

Passed by the Senate February 10,
2021

Yeas 49 Nays 0

President of the Senate

Passed by the House April 5, 2021

Yeas 98 Nays 0

**Speaker of the House of
Representatives**

Approved

Governor of the State of Washington

CERTIFICATE

I, Brad Hendrickson, Secretary of the Senate of the State of Washington, do hereby certify that the attached is **SUBSTITUTE SENATE BILL 5169** as passed by the Senate and the House of Representatives on the dates hereon set forth.

Secretary

FILED

**Secretary of State
State of Washington**

SUBSTITUTE SENATE BILL 5169

Passed Legislature - 2021 Regular Session

State of Washington

67th Legislature

2021 Regular Session

By Senate Health & Long Term Care (originally sponsored by Senators Frockt, Holy, Carlyle, Das, Hunt, Kuderer, Lias, Randall, Robinson, and Wilson, C.)

READ FIRST TIME 01/29/21.

1 AN ACT Relating to provider reimbursement for personal protective
2 equipment during the state of emergency related to COVID-19; adding a
3 new section to chapter 48.43 RCW; creating new sections; providing a
4 contingent expiration date; and declaring an emergency.

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

6 NEW SECTION. **Sec. 1.** (1) The legislature finds that:

7 (a) The delivery of health care services is essential and
8 maintaining patient safety during the ongoing public health emergency
9 is paramount;

10 (b) Pursuant to state and federal regulations, and in the
11 interest of minimizing the risk of viral transmission, health care
12 providers have incurred substantially increased costs during the
13 public health emergency associated with the procurement of personal
14 protective equipment;

15 (c) Costs associated with providing care are typically factored
16 into contracts between a health carrier and a health care provider,
17 but the dramatically increased personal protective equipment costs
18 related to the pandemic, in terms of procurement and increased "per
19 unit" costs, were neither foreseeable nor contemplated in existing
20 contracts; and

1 (d) Health care providers do not want to bill patients directly
2 for costs associated with personal protective equipment, and in many
3 cases are precluded from doing so pursuant to terms of contract
4 between health care providers and health carriers, so many health
5 care providers currently do not have a mechanism to recoup costs of
6 personal protective equipment.

7 (2) Therefore, the legislature finds that to help ensure patient
8 safety and continued access to personal protective equipment, it is
9 necessary that health carriers reimburse health care providers for
10 costs associated with personal protective equipment.

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

13 (1) For the duration of the federal public health emergency
14 related to COVID-19, a health benefit plan shall reimburse a health
15 care provider who bills for incurred personal protective equipment
16 expenses as a separate expense, using the American medical
17 association's current procedural terminology code 99072 or as
18 subsequently amended, \$6.57 for each individual patient encounter.

19 (2) For purposes of this section, cost sharing is limited to the
20 covered service according to the terms and conditions of the health
21 benefit plan and does not apply to an expense for personal protective
22 equipment.

23 (3) This section is not intended to apply to health care services
24 that are not provided in person.

25 NEW SECTION. **Sec. 3.** This act applies prospectively for the
26 duration of the state of emergency related to COVID-19.

27 NEW SECTION. **Sec. 4.** This act is necessary for the immediate
28 preservation of the public peace, health, or safety, or support of
29 the state government and its existing public institutions, and takes
30 effect immediately.

31 NEW SECTION. **Sec. 5.** Section 2 of this act expires upon the
32 termination of the federal public health emergency related to
33 COVID-19 as proclaimed by the United States department of health and
34 human services.

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