

# WASHINGTON STATE RADIOLOGICAL SOCIETY

## Weekly Report

PREPARED BY: BOSWELL CONSULTING

Friday, February 3, 2012

Week four has seen the first cutoff in both the House and Senate, meaning that legislation must have passed out of its committee of origin to still be considered alive. Most of next week will be spent working with the fiscal committees on any legislation that has any possible budget impact.

There are still several bills out there that we are continuing to focus on, including three Medicaid fraud bills: SSB 5978 – concerning Medicaid fraud (this bill tries to correct Medicaid fraud by using a qui tam provision); HB 2246 – concerning Medicaid fraud (also uses qui tam provisions to correct Medicaid fraud); and HB 2571 – concerning waste, fraud, and abuse prevention, detection, and recovery to improve program integrity for medical services programs (this is a “good” Medicaid fraud bill; it puts provisions in place to prevent fraud from happening to begin with). We are also monitoring whatever budget impacts could be coming down the pipe. At this point, the legislature has been dominated by the gay marriage legislation and has not yet begun to really focus on the budget. These efforts should begin in earnest around mid-February, after the next state revenue forecast is published. Below is a list of bills we are monitoring.

If you have any questions on these or any other issues, please feel free to contact Brad Boswell at [boswellconsulting@gmail.com](mailto:boswellconsulting@gmail.com).

### BILL TRACKING SUMMARY

#### MEDIUM PRIORITY BILLS

		<u>Sponsor</u>	<u>Position</u>	<u>Status</u>
<a href="#">1361</a>	Eliminating mandated health care benefits under state law.	Schmick	Monitor	H, HC/Wellness
<a href="#">ES1740</a>	Establishing a health benefit exchange. (AS OF HOUSE 2ND READING 3/04/11)	Cody	Monitor	H, HC/Wellness
<a href="#">2057</a>	Limiting payments for health care services provided to low-income enrollees in state purchased health care programs.	Cody	Monitor	H, Ways & Means
<a href="#">2226</a>	Concerning dental practitioners.	Cody	Monitor	H, HC/Wellness
<a href="#">S2227</a>	Concerning medical assistants. (DIGEST OF PROPOSED 1ST SUBSTITUTE)	Cody	Monitor	H, Ways & Means
<a href="#">S2319</a>	Implementing the federal patient and protection affordable care act. (DIGEST OF PROPOSED 1ST SUBSTITUTE)	Cody	Monitor	H, Ways & Means
<a href="#">2414</a>	Regarding the certification of surgical technologists.	Cody	Monitor	H, HC/Wellness
<a href="#">S2473</a>	Creating a medication assistant endorsement for certified nursing assistants who work in nursing homes. (DIGEST OF PROPOSED 1ST SUBSTITUTE)	Green	Monitor	H, Exec Action
<a href="#">2522</a>	Requiring certification of music therapists.	Darneille	Monitor	H, HC/Wellness
<a href="#">2523</a>	Regulating insurers and insurance products.	Bailey	Monitor	H, 2nd Reading
<a href="#">2571</a>	Concerning waste, fraud, and abuse prevention, detection, and recovery to improve program integrity for medical services programs.	Parker	Monitor	H, Exec Action
<a href="#">S2582</a>	Requiring notice to patients for certain charges at a health care facility. (DIGEST OF PROPOSED 1ST SUBSTITUTE)	Johnson	Monitor	H, Rules R
<a href="#">2741</a>	Concerning health care claims against state and governmental health care providers arising out of tortious conduct.	Rodne	Monitor	H, 2nd Reading
<a href="#">S5310</a>	Concerning false claims against the government. (DIGEST OF	Kline	Monitor	S, Judiciary

PROPOSED 1ST SUBSTITUTE)

<a href="#">2S5458</a>	Concerning medicaid fraud. (DIGEST OF PROPOSED 2ND SUBSTITUTE)	Keiser	Monitor	S, Rules X
<a href="#">ES5960</a>	Medicaid fraud (Supplement not yet available.)		Monitor	S, Rules X
<a href="#">S6178</a>	Implementing the affordable care act.	Keiser	Monitor	S, Rules 2
<a href="#">6181</a>	Regulating insurers and insurance products.	Keiser	Monitor	S, Rules 2
<a href="#">S6227</a>	Establishing a medicaid fraud hotline. (DIGEST OF PROPOSED 1ST SUBSTITUTE)	Conway	Monitor	S, Rules 2
<a href="#">S6237</a>	Creating a career pathway for medical assistants. (DIGEST OF PROPOSED 1ST SUBSTITUTE)	Keiser	Monitor	S, 2nd Reading
<a href="#">6270</a>	Providing that health care professional licensees may not be required to participate in any public or private third-party reimbursement program.	Becker	Monitor	S, Rules 2
<a href="#">6276</a>	Requiring certification of music therapists.	Conway	Monitor	S, Hea/L-T Care
<a href="#">6360</a>	Creating the Washington health care cost commission.	Keiser	Monitor	S, Hea/L-T Care
<a href="#">6362</a>	Requiring notice to patients for certain charges at a health care facility.	Keiser	Monitor	S, Hea/L-T Care
<a href="#">8409</a>	Amending the redistricting plan for state legislative and congressional districts.	Brown	Monitor	S, 1st Reading

**DEAD BILLS**

<a href="#">S1228</a>	Regarding naturopathic physicians. (DIGEST OF PROPOSED 1ST SUBSTITUTE)	Green	Monitor	H, HC/Wellness
<a href="#">1302</a>	Regulating health care insurance.	Jinkins	Monitor	H, HC/Wellness
<a href="#">S1561</a>	Addressing payment for critical services rendered by out-of-network providers in in-network hospitals. (DIGEST OF PROPOSED 1ST SUBSTITUTE)	Cody	Monitor	H, HC/Wellness
<a href="#">1798</a>	Concerning the health technology assessment program.	Green	Monitor	H, HC/Wellness
<a href="#">1847</a>	Terminating certain tax preferences to provide funding for maintaining basic health program enrollment.	Cody	Monitor	H, Ways & Means
<a href="#">1878</a>	Imposing penalties for violations by certain self-insurers, third-party administrators, and claims management entities.	Ormsby	Monitor	H, Labor/Work Dev
<a href="#">5396</a>	Concerning the employment of physicians by nursing homes.	Murray	Monitor	S, Hea/L-T Care
<a href="#">S5508</a>	Reauthorizing the joint legislative select committee on health reform implementation. (DIGEST OF PROPOSED 1ST SUBSTITUTE)	Parlette	Monitor	S, Rules X
<a href="#">5640</a>	Concerning the health technology assessment program.	Becker	Monitor	S, Hea/L-T Care

**CALENDAR ITEMS**

<b>2/3/2012</b>	S2473	Medication assist. endorsmnt	Health & Human Services Appropriations & Oversight	8:30 AM	HHR B
<b>2/4/2012</b>	S2319	Federal affordable care act	Ways & Means	TVW 9:00 AM	HHR A

**BILL TRACKING DETAILS**

**1361**

**MANDATED HEALTHCARE BENEFITS**

**SCHMICK**

Representatives Schmick, Hinkle, Bailey, McCune, Warnick, Short, Haler, Taylor, Kristiansen, Angel, Johnson, Condotta, and Klippert

Repeals all state mandated health care benefits and replaces them with a requirement that health carriers comply with federal

mandates.

**Full Text URL:** [http://www.leg.wa.gov/pub/billinfo/2011-12/Pdf/Bills/House Bills/1361.pdf](http://www.leg.wa.gov/pub/billinfo/2011-12/Pdf/Bills/House%20Bills/1361.pdf)

**ES1740**

**HEALTH BENEFIT EXCHANGE**

**CODY**

House Committee on Health Care & Wellness (originally sponsored by Representatives Cody, Schmick, Jinkins, and Hinkle)

Requested by  
Governor Gregoire

Requires the state, by statute, to establish a health benefit exchange consistent with the federal affordable care act to begin operations no later than January 1, 2014.

Requires the state health care authority, in collaboration with the joint select committee on health reform implementation, to: (1) Apply for and implement planning and establishment grants pursuant to the federal affordable care act; and  
(2) Develop a broad range of options for establishing and implementing a state-administered health benefit exchange.

**Companion Bill:** 5445 Health benefit exchange C, 317 L 11

**Full Text URL:** [http://www.leg.wa.gov/pub/billinfo/2011-12/Pdf/Bills/House Bills/1740-s.e.pdf](http://www.leg.wa.gov/pub/billinfo/2011-12/Pdf/Bills/House%20Bills/1740-s.e.pdf)

**2057**

**STATE PURCHASED HEALTH CARE**

**CODY**

Representatives Cody, Hinkle, and Hunter

Requested by  
Health Care Authority and Department of  
Social and Health Services

Declares an intent to create a legislative solution that: (1) Reduces the cost borne by the state to provide public health care coverage to low-income enrollees in managed health care systems;

(2) Protects enrollees and state purchased health care programs from balance billing by nonparticipating providers;

(3) Provides appropriate payment to health care providers for services provided to enrollees of state purchased health care programs; and

(4) Limits the risk for managed health care systems that contract with the state programs.

**Companion Bill:** 5927 State purchased health care C, 9 L 11 E1

**Full Text URL:** [http://www.leg.wa.gov/pub/billinfo/2011-12/Pdf/Bills/House Bills/2057.pdf](http://www.leg.wa.gov/pub/billinfo/2011-12/Pdf/Bills/House%20Bills/2057.pdf)

**2226**

**DENTAL PRACTITIONERS**

**CODY**

Representatives Cody, Kenney, Darneille, Jinkins, McCoy, Moscoso, Green, Santos, Pettigrew, Hasegawa, and Appleton

Addresses dental practitioners and dental hygiene practitioners.

**Companion Bill:** 6126 Dental practitioners S, Rules 2

**Full Text URL:** [http://www.leg.wa.gov/pub/billinfo/2011-12/Pdf/Bills/House Bills/2226.pdf](http://www.leg.wa.gov/pub/billinfo/2011-12/Pdf/Bills/House%20Bills/2226.pdf)

**S2227**

**MEDICAL ASSISTANTS**

**CODY**

House Committee on Health Care & Wellness (originally sponsored by Representatives Cody and Jinkins)

Repeals the health care assistant credential.

Establishes the following new professions: Medical assistant-certified; medical assistant-registered; medical assistant-hemodialysis technician; and medical assistant-phlebotomist.

**Full Text URL:** [http://www.leg.wa.gov/pub/billinfo/2011-12/Pdf/Bills/House Bills/2227-s.pdf](http://www.leg.wa.gov/pub/billinfo/2011-12/Pdf/Bills/House%20Bills/2227-s.pdf)

**S2319**

**FEDERAL AFFORDABLE CARE ACT**

**CODY**

House Committee on Health Care & Wellness (originally sponsored by Representatives Cody, Jinkins, and Ormsby)

Requested by  
Governor Gregoire and Insurance  
Commissioner

Further state implementation of the health benefit exchange and related provisions of the affordable care act.

**Companion Bill:** 6178 Affordable care act S, Rules 2  
**Full Text URL:** <http://www.leg.wa.gov/pub/billinfo/2011-12/Pdf/Bills/House Bills/2319-s.pdf>

**2414** **SURGICAL TECHNOLOGISTS** **CODY**  
Representatives Cody, Hinkle, Kelley, Warnick, Green, Schmick, and Harris

Allows only individuals who meet and maintain minimum standards of competence and conduct to engage in the practice of surgical technology.

**Full Text URL:** <http://www.leg.wa.gov/pub/billinfo/2011-12/Pdf/Bills/House Bills/2414.pdf>

**S2473** **MEDICATION ASSIST. ENDORSMNT** **GREEN**  
House Committee on Health Care & Wellness (originally sponsored by Representatives Green, Hinkle, Johnson, Van De Wege, Ryu, and Roberts)

Requires the secretary of the department of health to: (1) Beginning July 1, 2013, issue a medication assistant endorsement to a nursing assistant-certified who meets certain requirements; and  
(2) Set medication assistant endorsement fees.  
Requires the nursing care quality assurance commission to: (1) Approve education and training programs and examinations for medication assistants; and  
(2) Define the prescriber-ordered treatments a medication assistant is authorized to perform.  
Prohibits a person, after July 1, 2013, from practicing, or representing himself or herself by any title or description, as a medication assistant without a medication assistant endorsement.

**Companion Bill:** 6382 Medication assist. endormnt S, Hea/L-T Care  
**Full Text URL:** <http://www.leg.wa.gov/pub/billinfo/2011-12/Pdf/Bills/House Bills/2473-s.pdf>

**2522** **MUSIC THERAPISTS** **DARNEILLE**  
Representatives Darneille, Van De Wege, and Goodman

Requires certification of music therapists.

**Companion Bill:** 6276 Music therapists S, Hea/L-T Care  
**Full Text URL:** <http://www.leg.wa.gov/pub/billinfo/2011-12/Pdf/Bills/House Bills/2522.pdf>

**2523** **INSURERS & INSURANCE PRODUCTS** **BAILEY**  
Representatives Bailey, Cody, and Kirby  
Requested by  
Insurance Commissioner

Modifies provisions relating to insurers and insurance products.

**Companion Bill:** 6181 Insurers & insurance products S, Rules 2  
**Full Text URL:** <http://www.leg.wa.gov/pub/billinfo/2011-12/Pdf/Bills/House Bills/2523.pdf>

**2571** **MEDICAL SERVICES PROGRAMS** **PARKER**  
Representatives Parker, Cody, Dammeier, Darneille, Alexander, Schmick, Orcutt, Hurst, and Kelley

Implements waste, fraud, and abuse detection, prevention, and recovery solutions to: (1) Improve program integrity for medical services programs;  
(2) Create efficiency and cost savings through a shift from a retrospective "pay and chase" model to a prospective prepayment model; and  
(3) Comply with program integrity provisions of the federal patient protection and affordable care act and the health care and

education reconciliation act of 2010.  
Imposes duties on the state health care authority.

**Full Text URL:** [http://www.leg.wa.gov/pub/billinfo/2011-12/Pdf/Bills/House Bills/2571.pdf](http://www.leg.wa.gov/pub/billinfo/2011-12/Pdf/Bills/House%20Bills/2571.pdf)

**S 2582**

**HEALTH CARE SERVICES BILLING**

**JOHNSON**

House Committee on Health Care & Wellness (originally sponsored by Representatives Johnson, Cody, Ross, Jinkins, Green, Walsh, Hinkle, Clibborn, Lias, Kenney, Klippert, Smith, Alexander, Warnick, Fagan, Bailey, Ahern, Asay, Dahlquist, Kretz, DeBolt, Angel, Kelley, Hunt, Dickerson, Ladenburg, Orcutt, Zeiger, Wilcox, Finn, Wylie, Probst, Darneille, Moscoso, Kagi, and Tharinger)

Requires health care facilities, that charge a facility fee, to provide notice to patients of items that comprise the facility fee and an estimate of the cost to the patient.

**Companion Bill:** 6362 Health care services billing S, Hea/L-T Care

**Full Text URL:** [http://www.leg.wa.gov/pub/billinfo/2011-12/Pdf/Bills/House Bills/2582-s.pdf](http://www.leg.wa.gov/pub/billinfo/2011-12/Pdf/Bills/House%20Bills/2582-s.pdf)

**2741**

**HEALTH CARE/TORTIOUS CONDUCT**

**RODNE**

Representatives Rodne, Eddy, Dammeier, and Haler

Requested by  
Attorney General

Removes the exemption for injuries from health care from provisions relating to claims against the state and governmental health care providers arising out of tortious conduct.

**Full Text URL:** [http://www.leg.wa.gov/pub/billinfo/2011-12/Pdf/Bills/House Bills/2741.pdf](http://www.leg.wa.gov/pub/billinfo/2011-12/Pdf/Bills/House%20Bills/2741.pdf)

**S 5310**

**FALSE CLAIMS AGAINST GOVT**

**KLINE**

Senate Committee on Judiciary (originally sponsored by Senators Kline, Pflug, and Keiser)

Establishes the Washington state false claims act.  
Creates the false claims penalty account.

**Full Text URL:** [http://www.leg.wa.gov/pub/billinfo/2011-12/Pdf/Bills/Senate Bills/5310-s.pdf](http://www.leg.wa.gov/pub/billinfo/2011-12/Pdf/Bills/Senate%20Bills/5310-s.pdf)

**2S5458**

**MEDICAID FRAUD**

**KEISER**

Senate Committee on Ways & Means (originally sponsored by Senators Keiser, Pflug, Kline, Becker, Conway, Pridemore, Rockefeller, and Parlette)

Establishes the medicaid fraud false claims act.  
Creates the medicaid fraud penalty account.

**Full Text URL:** [http://www.leg.wa.gov/pub/billinfo/2011-12/Pdf/Bills/Senate Bills/5458-s2.pdf](http://www.leg.wa.gov/pub/billinfo/2011-12/Pdf/Bills/Senate%20Bills/5458-s2.pdf)

**ES5960**

**MEDICAID FRAUD**

(Supplement not yet available.)

**Full Text URL:** [http://www.leg.wa.gov/pub/billinfo/2011-12/Pdf/Bills/Senate Bills/5960-s.e.pdf](http://www.leg.wa.gov/pub/billinfo/2011-12/Pdf/Bills/Senate%20Bills/5960-s.e.pdf)

**S 6178**

**AFFORDABLE CARE ACT**

**KEISER**

Senators Keiser, Conway, and Shin

Requested by  
Governor Gregoire and Insurance  
Commissioner

Further state implementation of the health benefit exchange and related provisions of the affordable care act.

**Companion Bill:** 2319 Federal affordable care act H, Ways & Means  
**Full Text URL:** [http://www.leg.wa.gov/pub/billinfo/2011-12/Pdf/Bills/Senate Bills/6178-s.pdf](http://www.leg.wa.gov/pub/billinfo/2011-12/Pdf/Bills/Senate%20Bills/6178-s.pdf)

**6181** **INSURERS & INSURANCE PRODUCTS** **KEISER**  
Senators Keiser, Benton, and Hobbs Requested by  
Insurance Commissioner

Modifies provisions relating to insurers and insurance products.

**Companion Bill:** 2523 Insurers & insurance products H, 2nd Reading  
**Full Text URL:** [http://www.leg.wa.gov/pub/billinfo/2011-12/Pdf/Bills/Senate Bills/6181.pdf](http://www.leg.wa.gov/pub/billinfo/2011-12/Pdf/Bills/Senate%20Bills/6181.pdf)

**S 6227** **MEDICAID FRAUD HOTLINE** **CONWAY**  
Senate Committee on Health & Long-Term Care (originally sponsored by Senators  
Conway, Keiser, Carrell, Frockt, Pflug, Hargrove, Kline, and Roach)

Requires the attorney general to establish a toll-free telephone hotline, funded by the medical quality assurance commission, that is available to members of the public to report suspected medicaid fraud.  
Expires July 1, 2014.

**Full Text URL:** [http://www.leg.wa.gov/pub/billinfo/2011-12/Pdf/Bills/Senate Bills/6227-s.pdf](http://www.leg.wa.gov/pub/billinfo/2011-12/Pdf/Bills/Senate%20Bills/6227-s.pdf)

**S 6237** **MEDICAL ASSISTANTS** **KEISER**  
Senate Committee on Health & Long-Term Care (originally sponsored by Senators  
Keiser, Conway, Kline, Frockt, and Becker)

Changes the designation of health care assistant to medical assistant.  
Provides minimum requirements for entry-level medical assistants.  
Requires the department of health to establish a career ladder so that medical assistants can, through experience and education, increase their skills and the procedures in which they are permitted to assist.  
Eliminates the renal dialysis training task force.

**Full Text URL:** [http://www.leg.wa.gov/pub/billinfo/2011-12/Pdf/Bills/Senate Bills/6237-s.pdf](http://www.leg.wa.gov/pub/billinfo/2011-12/Pdf/Bills/Senate%20Bills/6237-s.pdf)

**6270** **THIRD-PARTY REIMBURSEMENT** **BECKER**  
Senators Becker, Keiser, Sheldon, Haugen, Shin, Parlette, Fain, Delvin, Schoesler,  
Carrell, Holmquist Newbry, Honeyford, Morton, and Kline

Prohibits a licensee, subject to the uniform disciplinary act, from being required to participate in any public or private third-party reimbursement program as a condition of licensure.

**Companion Bill:** 2621 Third-party reimbursement H, HC/Wellness  
**Full Text URL:** [http://www.leg.wa.gov/pub/billinfo/2011-12/Pdf/Bills/Senate Bills/6270.pdf](http://www.leg.wa.gov/pub/billinfo/2011-12/Pdf/Bills/Senate%20Bills/6270.pdf)

**6276** **MUSIC THERAPISTS** **CONWAY**  
Senators Conway, Keiser, and Pridemore

Requires certification of music therapists.

**Companion Bill:** 2522 Music therapists H, HC/Wellness  
**Full Text URL:** [http://www.leg.wa.gov/pub/billinfo/2011-12/Pdf/Bills/Senate Bills/6276.pdf](http://www.leg.wa.gov/pub/billinfo/2011-12/Pdf/Bills/Senate%20Bills/6276.pdf)

**6360** **HEALTH CARE COST COMMISSION** **KEISER**

Senators Keiser, Pflug, and Shin

Creates the Washington health care cost commission to provide oversight of health care facility rates, guide payment reform, and ensure accountability and transparency for the public.  
Creates a health care cost public service revolving fund.

**Full Text URL:** [http://www.leg.wa.gov/pub/billinfo/2011-12/Pdf/Bills/Senate Bills/6360.pdf](http://www.leg.wa.gov/pub/billinfo/2011-12/Pdf/Bills/Senate%20Bills/6360.pdf)

**6362**

**HEALTH CARE SERVICES BILLING**

**KEISER**

Senators Keiser, King, and Conway

Requires certain health care facilities to provide notice to patients of items that comprise a facility fee and an estimate of the cost to the patient.

**Companion Bill:** 2582 Health care services billing H, Rules R

**Full Text URL:** [http://www.leg.wa.gov/pub/billinfo/2011-12/Pdf/Bills/Senate Bills/6362.pdf](http://www.leg.wa.gov/pub/billinfo/2011-12/Pdf/Bills/Senate%20Bills/6362.pdf)

**8409**

**REDISTRICTING PLAN**

**BROWN**

Senators Brown and Hewitt

Amends the redistricting plan for state legislative and congressional districts.

**Companion Bill:** 4409 Redistricting plan S, Passed 3rd

**Full Text URL:** [http://www.leg.wa.gov/pub/billinfo/2011-12/Pdf/Bills/Senate Bills/8409.pdf](http://www.leg.wa.gov/pub/billinfo/2011-12/Pdf/Bills/Senate%20Bills/8409.pdf)