

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

By Representative Riccelli

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"

3  
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)"

10  
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)"

16  
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."

4  
5 On page 6, line 27 of the striking amendment, after "audio-only"  
6 strike "telephone"

7  
8 On page 6, line 35 of the striking amendment, after "audio-only"  
9 strike "telephone"

10  
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)"

15  
16 Renumber the remaining subsections consecutively and correct  
17 any internal references accordingly.

18  
19 On page 8, line 13 of the striking amendment, after "audio-only"  
20 strike "telephone"

21  
22 On page 8, line 20 of the striking amendment, after "audio-only"  
23 strike "telephone"

24  
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."

16  
17 On page 11, line 34 of the striking amendment, after "audio-  
18 only" strike "telephone"

19  
20 On page 12, line 2 of the striking amendment, after "audio-only"  
21 strike "telephone"

22  
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)"

26  
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)"

32  
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."

21  
22        On page 15, line 11 of the striking amendment, after "audio-  
23 only" strike "telephone"

24  
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)"

32  
33        Renumber the remaining subsections consecutively and correct  
34 any internal references accordingly.

1  
2 On page 17, line 6 of the striking amendment, after "only"  
3 strike "telephone"

4  
5 On page 17, line 13 of the striking amendment, after "audio-  
6 only" strike "telephone"

7  
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),"

10  
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)"

15  
16 On page 20, beginning on line 28 of the striking amendment,  
17 strike all of subsection (e)

18  
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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