

2022 LEGISLATIVE REPORT – KAISER SENIOR CAUCUS

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The 2022 legislative session resulted in a very large number of health care and behavioral health bills being passed. However, some notable ones did not make it. The following is a list of many that the League of Women Voters Lobby Team was following. This summary is supported by League status reports from the Health Care Issue Chair, Kim Abbey.

One big change in 2023 will be the retirement of Rep. Eileen Cody, who was a long-standing employee of Group Health/Kaiser, and who chaired the House Health Care & Wellness Committee for many years. There will be many other changes as well next year in committee assignments, so it is hard to know at this time how various bills of interest will fare.

Bills that Passed in 2022

HB 1616, Concerning the charity care act. Sponsor: Rep. Tarra Simmons (LD 23)

This bill was new in 2022. It addresses how charity care is provided in hospitals and how affected patients are informed. It requires the Department of Health to monitor the distribution of charity care among hospitals. It provides that:

- No hospital may adopt or maintain practices or policies which would deny access to emergency care based on ability to pay
- No hospital which maintains an emergency department may transfer a patient with an emergency medical condition or who is in active labor unless the transfer is performed at the request of the patient or is due to the limited medical resources of the transferring hospital.
- Each hospital must post and prominently display notice of charity care availability.

It provides that charity care eligibility is determined by calculating family income based on the federal poverty level (FPL): if under 300% of FPL receives 100% discounted health services bill; under 350% receives 75% discount; under 400% FPL receives 50% discount.

HB 1622, Increasing the availability of sexual assault nurse examiner education in rural and underserved areas. Sponsor: Rep. Gina Mosbrucker (LD 14)

This bill, also new in 2022, authorizes the Washington State University College of Nursing to establish a program to increase the availability of qualified sexual assault nurse examiners in eastern Washington. The program will develop and train lead sexual assault nurse examiners.

HB 1646, Continuing the work of the dementia action collaborative. Sponsor: Rep. Jessica Bateman (LD 22)

In January 2016, Washington state released a [State Plan to Address Alzheimer's Disease and Other Dementias](#). The State Plan identifies goals, strategies, and recommendations as a blueprint for action. This bill re-established the formal dementia action collaborative to update the state plan and make recommendations.

HB 1860, Preventing homelessness among persons discharging from inpatient behavioral health settings. Sponsor: Rep. Lauren Davis (LD 32)

Based on a legislative finding that social determinants of health, particularly housing, are highly correlated with long-term recovery from behavioral health conditions, this bill establishes a number of requirements. It requires the Performance Measures Coordinating Committee to convene a work group of stakeholders to establish performance measures that track rates of homelessness and housing instability among medical assistance clients. It also requires the

Health Care Authority to include in any contract with a managed care organization (MCO) a requirement to provide housing-related care coordination services to enrollees being discharged from inpatient behavioral health settings. It further requires psychiatric hospitals to inform the MCO in which the person is enrolled of the discharge.

HB 1866 Assisting persons receiving community support services through medical assistance programs to receive supportive housing. Sponsor: Rep. Frank Chopp (LD 43)

This bill is intended to enable treatment of chronic homelessness as a medical condition and address the needs of chronically homeless individuals by pairing a health care problem with a health care solution. It established the Apple Health and Homes Program (Program) to provide a permanent supportive housing benefit and a community support services benefit to persons who meet eligibility criteria related to income, medical risk factors and barriers to finding stable housing. It also established the Office of Apple Health and Homes (Office) within the Department of Commerce to allocate funding for permanent supportive housing units to fulfill the needs of persons enrolled in the Program and establish metrics related to the effects of the Program. It further established the Apple Health and Homes Account to be used for permanent supportive housing programs administered by the Office.

SB 5518, Concerning the occupational therapy licensure compact. Sponsor: Sen. Ron Muzzall (LD 10)

The effect of this bill is to facilitate interstate practice of occupational therapy with the goal of improving public access to occupational therapy services, primarily in rural areas. The compact member states will create and establish a joint public agency known as the occupational therapy compact commission. That will allow OTs and COTAs (Certified Assistants) to work in other states under their home state licenses.

SB 5532, Establishing a prescription drug affordability board. Sponsor: Sen. Karen Keiser (LD 33)

This bill established a five-member Prescription Drug Affordability Board to coordinate and collaborate with the Health Care Authority, other boards, work groups, and commissions related to prescription drug costs and emerging therapies, including the Health Care Cost Transparency Board and the Universal Health Care Commission, to conduct affordability reviews of any prescription drug with excessive price rises in a 12-month period. The board must establish a methodology for setting upper payment limits for prescription drugs.

The Board members must be individuals with expertise in health care economics or clinical medicine and will serve five-year terms.

SB 5546, Concerning insulin affordability. Sponsor: Sen. Karen Keiser (LD 33)

In 2020, the Legislature directed health plans, beginning January 1, 2021, to limit an enrollee's out-of-pocket expenses for insulin to \$100 for a 30-day supply. The out-of-pocket limit is set to expire on January 1, 2023. This bill requires that beginning January 1, 2023, health plans must cap the total amount an enrollee is required to pay for a covered insulin drug at an amount not to exceed \$35 per 30-day supply. This limit expires on January 1, 2024.

SB 5589, Concerning statewide spending on primary care. Sponsor: Sen. June Robinson (LD 38)

In 2020, the Legislature directed the Health Care Authority to establish the Health Care Cost Transparency Board (Board). The Board must annually calculate the total health care expenditures in Washington and establish a health care cost growth benchmark. This bill requires the Board to measure and report on primary care expenditures in Washington and the progress towards increasing it to 12 percent of total health care expenditures and sets up some

reporting requirements to further inform how primary care can be increased as a share of total health care costs.

Bills that Did Not Pass

[HB 1047](#) Requiring coverage for hearing instruments for children and adolescents. Sponsor: Rep. Emily Wicks (LD 38)

This bill would have required health carriers offering a health plan issued or renewed on or after January 1, 2023, to include coverage for hearing instruments, including bone conduction hearing devices, for persons who are 18 years of age or younger. Mandated coverage would have included the hearing instrument, the initial assessment, fitting, adjustment, auditory training, and ear molds as necessary to maintain optimal fit.

This bill was introduced in 2021 but did not get a public hearing in the Health Care & Wellness Committee. However, a budget proviso was approved that funded a cost analysis by the Office of Insurance Commissioner, as support for the bill in 2022. During the process of the cost analysis, there were concerns about segregating populations and not covering all people with hearing loss. As a result, a new bill was introduced in 2022 to replace this one. **[HB 1854](#), Requiring coverage for hearing instruments**, would have expanded the coverage to all individuals with hearing loss. This bill got a public hearing on the last day of committee work and was not moved out of committee. Rep. Wicks, who sponsored both bills, unfortunately has decided not to run for re-election and will not be reintroducing this legislation in 2023.

[HB 1141](#), Increasing access to the death with dignity act. Sponsor: Rep. Skyler Rude (LD 16)

This bill would have made changes to the 2009 Death with Dignity Act, such as changing “physician” to “qualified medical provider and reducing the 15-day waiting period to 72 hours. provider.’ Because hospice care is increasingly provided by advanced registered nurse practitioners and physician assistants, especially in rural areas, this would have increased access to the death with dignity opportunity

This bill was carried over from the 2021 legislative session. In 2021, it passed the House and died in the Senate Rules Committee. In 2022, it passed the House again and died in the Senate Health & Long-Term Care Committee. In order to be considered next year, it will have to be reintroduced and will get a new number assigned to it.

[HB 1885](#), Establishing the profession of dental therapist. Sponsor: Rep. Eileen Cody (LD 34)

This bill included these findings: Good oral health is an integral piece of overall health and well-being. Without treatment, dental disease compromises overall health and requires increasingly costly interventions. However, most dental disease can be prevented at little cost through routine dental care and disease prevention. Dental-related issues are a leading reason that Washingtonians seek care in hospital emergency departments, which has become the source of care for many, especially uninsured and low-income populations. It then would have created a new profession of dental therapist, analogous to a physician’s assistant, to provide lower-cost dental care and increase access to that care. This bill is one of many that have failed to establish that para-professional category of dental practitioner in more than 10 years of efforts to do so.

[SB 5335](#), Concerning the acquisition of health care facilities. Sponsor: Sen. Emily Randall (LD 26)

If passed, this bill would have required an independent health care impact statement by the WA State Department of Health prior to any merger of hospitals with 50 or more acute care beds or health care corporations in Washington State. The impact statement would assess effects on

emergency services, reproductive health care, end-of-life and gender-affirming health care services as well as charity care. This bill was never given a public hearing in either 2021 or 2022.

[SB 5688](#) Concerning material changes to the operations and governance structure of participants in the health care marketplace. Sponsor: Sen. Emily Randall (LD 26)

This bill would have modified reporting requirements for mergers, acquisitions, or contracting affiliations between hospitals, hospital systems, or provider organizations (parties). It would also have required parties to submit additional documentation related to charity care; access to care, including reproductive, gender-affirming, emergency, and end-of-life care; all current policies and procedures; and explanations of how any of these areas would be affected by the proposed transaction. It would further have required the attorney general to determine, through a public process, if the transaction would detrimentally affect the continued existence of accessible, affordable health care in the state for at least ten years after the transaction occurs and given the attorney general authority to place conditions or modifications on the transaction, or disapprove of the transaction if the transaction will be detrimental to accessible, affordable health care.

Neither this bill nor its House companion bill, [HB 1809](#), sponsored by Rep. Tarra Simmons, moved at all this session.