

LEGISLATIVE UPDATE - 02/05/2010

EMS & TRAUMA SYSTEM STEERING COMMITTEE
For Questions: Call 1-800-458-5281 or (360)236-2831

Introduction

This *Legislative Update* will be updated weekly and emailed to the members of the EMS and Trauma Care Steering Committee and the Licensing and Certification Advisory Committee every week during the 2010 Legislative Session beginning January 15, 2010. This update is being provided for information purposes only and is provided at the request of the EMS and Trauma Care Steering Committee. This update is not intended to convey support or opposition on any issue. If you have any questions or need more information, please contact Sandra Dlugosz at (360) 236-2831.

For additional information regarding the 2010 Legislative Session and Washington Legislative bills being introduced, please go to: www.leg.wa.gov.

Important 2010 Session Cut-off Dates

- 1/11 First Day of Session.
- 2/2 House Policy Committee deadline.
- 2/5 Last day to read in committee reports in house of origin, except House fiscal committees and Senate Ways & Means and Transportations committees.
- 2/9 Last day to read in committee reports from House fiscal committees and Senate Ways & Means and Transportation committees in house of origin.
- 2/16 Last day to consider bills in house of origin (5 p.m.).
- 2/23 House Policy Committee deadline.
- 2/25 House Appropriations Committee Deadline.
- 2/26 Last day to read in committee reports from opposite house, except House fiscal committees and Senate Ways & Means and Transportation committees.
- 3/1 Last day to read in opposite house committee reports from House fiscal committee and Senate Ways & Means and Transportation committees.
- 3/5 Last day to consider opposite house bills (5 p.m.) (except initiatives and alternatives to initiatives, matters necessary to implement budgets, amendments, differences, and business related to the interim or closing the session).
- 3/11 Sine Die -- Last day allowed for regular session under state constitution.
 - The Governor has five (5) days, excluding Sundays, to take action on any bill passed by the Legislature, provided adjournment does not occur within those five (5) days.

Governor Requested Bills

HB 2617 (Companion Bill: SB 6426) – Eliminating Certain Boards and Commissions – Representative Driscoll by request of Governor Gregoire

This legislation is at the request of Governor Gregoire. The bill eliminates a number of boards, committees, and commissions. The Governor's EMS & TS Steering Committee and the

Licensing and Certification Committee are among the committees included in the bill for elimination by June 30, 2010. The bill declares that while advisory boards, committees, and commissions are to be eliminated, agencies should identify new, less-costly, and more effective opportunities to ensure a broad range of citizen participation occurs. All reasonable efforts are to be made to ensure that channels are maintained for vital input from the citizens of Washington.

SHB 2617 - The substitute version of the bill removes several DOH committees from elimination including the Governor's EMS & TS Steering Committee. The EMS Licensing and Certification Advisory Committee remains eligible for elimination.

STATUS: **Jan. 26 – Executive action taken in the House Committee on State Government & Tribal Affairs. Majority; 1st substitute bill be substituted, do pass.**
 Jan. 29 – Referred to Ways & Means.
 Feb. 3 – Public hearing held in the House Committee on Ways & Means.

SB 6426 (Companion Bill: HB 2617) – Eliminating Certain Boards and Commission - Senator Prentice by request of Governor Gregoire

(Please refer to HB 2617 for the bill summary.)

STATUS: **Jan. 14 – First reading. Referred to Ways & Means.**

EMS & Trauma System Bills

HB 2396 – Concerning Emergency Cardiac and Stroke Care – Representative Morrell

This bill directs DOH, with guidance from the Governor's EMS & TS Steering Committee, to address the needs of cardiovascular care as found in the 2008 emergency cardiac and stroke work group's report through a coordinated system of cardiac and stroke care.

SHB 2396 – The substitute bill does the following:

- Adds to and amends chapter 70.168 RCW. The original bill created a new chapter to Title 70 RCW.
- The intent language (New Section 1) has wording changes though the concept remains the same. The final intent statement New Section 1 (2) is modified to state that it is the legislature's intent to support efforts to improve emergency cardiac and stroke care in WA through an evidenced-based coordinated system of care. Original intent language required the department to address cardiac and stroke needs through a coordinated system.
- Adds a definition for "cardiac."
- Removes language requiring the department to work in consultation with the EMS and Trauma Steering Committee.
- Requires the department to "endeavor to enhance and support an emergency cardiac and stroke system." The original bill required the department to establish a voluntary emergency cardiac and stroke system.

- Allows non-hospital-based medical facilities to participate in the emergency cardiac and stroke system.
- Removes language that requires the department to establish minimum standards for hospital based cardiac and stroke services. Instead the substitute states that medical facility levels of care will be defined by the previous work of the ECSTAC and the emergency cardiac and stroke workgroup report.
- Removes language about a verification process.
- Removes language that requires the department to annually provide a list of participating hospitals to EMS providers.
- Removes language requiring the department to establish minimum standards for prehospital emergency cardiac and stroke care, triage procedures, protocols, and training curricula. Instead the substitute references the department's current authority to create those documents.
- Removes language requiring the department to establish quality improvement measures and to collect and analyze cardiac and stroke data. It removes the requirement for hospitals to send data every six months to the department. It continues to require medical facility participants to participate in internal and regional QI programs and to participate in national, state or local data collection systems for cardiac and stroke.
- Requires the department to share the department's report funded by the CDC with the legislature by December 2012.

STATUS: Jan. 22 – Executive action taken in the House Committee on Health Care & Wellness. Majority; 1st substitute bill be substituted, do pass. Minority; without recommendation.
 Jan. 26 – Referred to Health & Human Services Appropriations.
 Feb. 4 – Public hearing held in the Health & Human Services Appropriations Committee.

Senate Joint Memorial (SJM) 8019 – Petitioning the Dept. of Health to Review Cardiovascular Disease Prevention Measures – Senator Honeyford

SJM 8019 petitions Mary Selecky as the Secretary for DOH to examine, in the ordinary course of business, current and prospective programs, the treatments, education, and awareness of cardiovascular disease. This petition will be analyzed by DOH's Community & Family Health division.

STATUS: Jan. 28 – Executive action taken in the Health & Long-Term Care Committee.
 Jan. 29 – HEA – Majority; do pass. Passed to Rules Cmt for second reading.
 Feb. 2 – Made eligible to be placed on second reading.

HB 2788 (Companion Bill: SB 6496) – Ambulances and Health Care Charges Notices - Representative Hinkle

The bill exempts ambulances and aid vehicles from the requirement to post notices about estimates for health care fees and charges.

STATUS: Jan.14 – First reading. Referred to Health Care & Wellness

HB 2956 (Companion Bill: SB 6758) – Hospital Safety Net Assessment – Representative Pettigrew

The bill amends Title 74 RCW and creates the hospital safety net assessment and hospital safety net assessment fund to allow the state to generate additional federal financial participation for the Medicaid program and provide for increased reimbursement to hospitals. The bill imposes a hospital safety net assessment, the funds of which are to be used solely to augment all other funding sources and not as a substitute for any other funds. Title 74 RCW is the statute that stipulates the Emergency Medical Services and Trauma Care Systems Trust Account—State Appropriations; however, the bill does not amend existing language regarding the EMS & Trauma Care Systems Trust Account.

STATUS: **Jan. 19 – First reading. Referred to Health & Human Services Appropriations.**
Feb. 4 – Public hearing held in the House Committee on Health & Human Services Appropriations.

HB 2999 – Concerning Traumatic Brain Injury (TBI) – Representative Flannigan

The bill proposes to amend 74.31 RCW Traumatic Brain Injury (TBI). The intent of the law is to improve services to survivors of traumatic brain injury. The bill proposes to:

1. Add a representative from the Office of Superintendent of Public Instruction and the executive director of the Washington protection and advocacy system to the membership of the traumatic brain injury strategic partnership advisory council and clarifies that state agency members of the council (including DOH) do not have term limits.
2. Expand the duties of the council to include revising and updating the comprehensive TBI plan as needed, submitting a report to the legislature and governor every two years on activities identified to implement the comprehensive plan, developing recommendations for using the TBI account, and developing recommendations for staffing the TBI council's work.
3. Remove language that limits the number and types of activities the council and DSHS can implement to accomplish the comprehensive plan.
4. Require DSHS in collaboration with the TBI council to implement the comprehensive plan "within available funds" and report to the governor and legislature every two years (opposite years as the council report).
5. Give authority to DSHS to accept and expend private and public financial contributions.
6. Clarify that the TBI account can be used to support all activities identified in the comprehensive plan (previously was limiting).

STATUS: **Jan. 20 – First reading. Referred to Human Services.**
Jan. 28 – Scheduled for public hearing in the House Committee on Human Services. HS – executive action taken by the committee.
Feb. 2 – Referred to Ways & Means.
Feb. 6 – Scheduled for public hearing in the House Committee on Ways & Means at 9:00 a.m.

SB 6461 – Providing Limited Immunity for Firefighters Providing Emergency Services – Senator Honeyford

The bill provides that any state or municipal firefighter, whether volunteer or paid, who takes part in firefighting efforts outside his/her jurisdiction or provides emergency care, rescue, assistance, or recovery services at the scene of an emergency is not liable for civil damages resulting from any act or omission in the rendering of such services, other than acts or omissions constituting gross negligence or willful or wanton misconduct.

STATUS: Jan. 28 – Public hearing and executive action taken by Senate Committee on Government Operations & Elections.
Feb. 1 – Go – Majority; do pass. Passed to Rules Committee for second reading.
Feb. 2 – Made eligible to be placed on second reading.

SB 6758 (Companion Bill: HB 2956) – Hospital Safety Net Assessment – Senator Keiser

(Please refer to HB 2956 for summary of bill.)

STATUS: Jan. 25 – First reading. Referred to Ways & Means.
Feb. 1 – Public hearing held in the Senate Ways & Means Committee.

Injury and Violence Prevention Bills

HB 2635 (Companion Bill: SB 6345) – Use of Wireless Communications Devices While Driving – Representative Carlyle

The bill prohibits persons with a driver instruction permit or with an intermediate driver's license to use any wireless communications devices while driving. Exceptions are: To report illegal activity, to summon medical or other emergency help, or prevent injury to a person or property. It will also be a primary offense to use a wireless communications device while driving.

STATUS: Jan. 11 – First reading. Referred to Transportation.
Jan. 18 – Public hearing held in the House Cmt on Transportation.

HB 2742 – Addressing Accountability for Persons Driving Under the Influence of Intoxicating Liquor or Drugs – Representative Goodman

Addresses penalties, installation, and obligation to verify initial installation and licensing of ignition interlock devices, occupational drivers' licenses, and deferred prosecution with regard to persons driving under the influence of intoxicating liquor or drugs.

STATUS: Jan. 28 – Executive action taken in the House Judiciary Committee. JUDI – Executive action taken by committee.
Feb. 1 – Public hearing held in the House Committee on Transportation.
Feb. 3 – Executive action taken in the House Committee on Transportation.

HB 2788 (Companion Bill: SB 6496) – Exempting Ambulances and Aid Vehicles From the Requirement to Post Notices About Estimates for Health Care Fees and

Charges – Representative Hinkle

HB 2788 provides that ambulances and aid vehicles are exempt from a requirement to post notices about estimates of their health care fees and charges.

STATUS: Jan. 14 – First reading. Referred to Health Care & Wellness.

SB 6345 (Companion Bill: HB 2635) – Addressing the Use of Wireless

Communications Devices While Driving – Senator Eide (Please refer to HB 2635 for bill summary.)

SSB 6345 – The substitute bill adds two more exceptions for when a wireless device may be used: (1) To relay time sensitive information between a transit or for-hire operator and that operator is a dispatcher, in which the device is permanently affixed to the vehicle; (2) When a driver has a voice-activated global positioning or navigation system affixed to the vehicle, allowing the user to send or receive messages without diverting visual attention from the road (cannot use a hand held device).

STATUS: Jan. 18 – Public hearing held in the Senate Committee on Transportation.

Jan. 25 – Executive action taken in the Senate Committee on Transportation.

Jan. 27 – TRAN – Majority; 1st substitute bill be substituted, do pass. Passed to Rules Committee for second reading.

Jan. 28 – Placed on second reading by Rules Committee.

SB 6496 (Companion Bill: HB 2788) – Ambulances and Health Care Coverage

Notices – Senator McCaslin (Please refer to HB 2788 for bill summary.)

STATUS: Jan. 15 – First reading. Referred to Health & Long-Term Care.

Jan. 27 – Scheduled for a public hearing in the Senate Cmt On Health & Long-Term Care at 8:00 a.m. (subject to change).

SB 6820 – Motorcycle Helmet Use – Senator Holmquist

The bill would require motorcycle helmets be used by people under age 21. Motorcycle helmets would be required for people over age 21 when driving or riding on a motorcycle, unless: 1) they have a health insurance plan with at least \$10,000 in medical benefits for injuries incurred while operating or riding a motorcycle, or 2) if they have successfully completed a motorcycle skills education program (under chapter 46.81A RCW).

STATUS: Feb 1 – First reading. Referred to Transportation.

Other Bills of Interest

HB 2522 (Companion Bill: SB 6270) – Concerning Emergency Health Care Services – Representative Driscoll

HB 2522 revises the definition of emergency services in chapter 48.43 RCW (insurance reform) to allow necessary evaluation and treatment to be provided anywhere in a hospital.

STATUS: Jan. 11 – First reading. Referred to the House Committee on Health Care & Wellness.

Jan. 21 – Public hearing held in the House Committee on Health Care & Wellness.

HB 2605 (Companion Bill: SB 6328) – Concerning Billing for Anatomic Pathology Services – Representative Driscoll

HB 2605 adds a new section to chapter 48.43 RCW to prohibit physicians or labs that provide anatomic services from billing anyone but the patient, insurer, third party payer, a facility ordering the services, or government agencies or their designees. The bill also prohibits practitioners from billing for any anatomic pathology services unless they personally delivered those services or directly supervised those who did. Those billed in violation of this section are not required to pay their bill. Practitioners violating the section are subject to discipline under the Uniform Disciplinary Act.

STATUS: Jan. 19 – Public hearing held in House Committee on Health Care & Wellness.

Jan. 29 – Executive session in the House Committee on Health Care & Wellness. Executive action taken in the House Committee on Health Care & Wellness. HCW – Executive Action taken by committee. HCW – Majority; do pass. Minority; do not pass.

Feb. 2 – Passed to Rules Committee for second reading.

HB 2673 – Concerning Insurance Coverage of the Sales Tax for Prescribed Durable Medical Equipment and Mobility Enhancing Equipment – Representative Williams

HB 2673 requires inclusion of the sales tax or use tax calculation in the plan payment on medical insurance plans that are issues on or before July 1, 2010, that include coverage for prescribed, durable medical equipment and mobility enhancing equipment.

SHB 2673 – The substitute bill requires the sales and use tax calculation in a plan payment for certain medical insurance plans that include coverage for prescribed durable medical equipment and mobility enhancement equipment.

STATUS: Jan. 21 – Public hearing held in the House Committee on Health Care & Wellness.

Jan. 29 – Executive action taken in the House Committee On Health Care & Wellness.

HCW – Executive action taken by committee.

HCW - Majority; do pass.

Minority; without recommendation.

Feb. 2 – Passed to Rules Committee for second reading.

HB 2779 (Companion Bill: SB 6400) – Concerning Emergency Services Provided by Nonparticipating Providers in Hospitals – Representative Cody

(Please refer to SB 6400 for bill summary.)

SHB 2779 – The substitute bill deletes the term “emergency department.” The bill adds a provision that the health carrier shall count any amount the covered person paid to a nonparticipating provider for emergency services toward the covered person’s deductible, if any.

STATUS: Feb. 2 – Executive action taken in the House Committee on Health Care & Wellness. HCW – Executive action taken by committee. HCW – Majority; 1st substitute bill be

substituted, do pass.
Feb. 3 – Referred to Ways & Means.

SB 6269 – Addressing Conversion Rights Upon Termination of Eligibility for Health Care Coverage – Senator Keiser by request of the Insurance Commissioners

This bill modifies provisions relating to conversion rights upon termination of eligibility for a group disability insurance policy, group health service contract, or group health maintenance agreement issued, entered into, or renewed on or after Jan 1, 2011.

STATUS: Jan. 25 – Executive action taken in the Senate Committee On Health & Long-Term Care.
Jan. 27 – HEA – Majority; do pass. Passed to Rules Committee for second reading.
Jan. 28 – Made eligible to be placed on second reading.
Feb. 2 – Placed on second reading by Rules Committee.

SB 6270 (Companion Bill: HB 2522) – Concerning Emergency Health Care Services – Senator Keiser

(Please refer to HB 2522 for bill summary.)

STATUS: Jan. 11 – Referred to the Senate Committee on Health & Long-Term Care.
Jan. 21 – Public hearing in the Senate Committee on Health & Long-Term Care.

SB 6328 (Companion Bill: HB 2605) – Concerning Billing for Anatomic Pathology Services – Senator Marr

(Please refer to HB 2605 for bill summary.)

STATUS: Jan. 28 – Executive action taken in the Senate Cmt on Health & Long-Term Care.
Jan. 29 – HEA – Majority; do pass. Minority; without recommendation. Passed to Rules Committee for second reading.
Feb. 2 – Made eligible to be placed on second reading.

SB 6400 (Companion Bill: HB 2779) – Concerning Emergency Services Provided by Nonparticipating Providers in Hospitals – Senator Keiser

SB 6400 provides for payment of covered emergency services rendered to a covered person by a nonparticipating health care provider in a participating hospital.

STATUS: Jan. 13 – First reading. Referred to the Senate Committee On Health & Long-Term Care.
Jan. 21 – Public hearing held in the Health & Long-Term Care Committee.