

SENATE BILL REPORT

SB 5596

As Reported By Senate Committee On:
Health & Long-Term Care, February 22, 2007
Ways & Means, January 31, 2008

Title: An act relating to discrimination against chiropractors.

Brief Description: Concerning discrimination against chiropractors. REVISED FOR
SUBSTITUTE: Concerning fair payment for chiropractic services.

Sponsors: Senators Franklin, Benton, Kline, Poulsen, Keiser and Roach.

Brief History:

Committee Activity: Health & Long-Term Care: 2/12/07, 2/22/07 [DPS, w/oRec].
Ways & Means: 1/22/08, 1/31/08 [DP2S, DNP, w/oRec].

SENATE COMMITTEE ON HEALTH & LONG-TERM CARE

Majority Report: That Substitute Senate Bill No. 5596 be substituted therefor, and the substitute bill do pass.

Signed by Senators Keiser, Chair; Franklin, Vice Chair; Carrell, Fairley, Kastama, Kohl-Welles and Marr.

Minority Report: That it be referred without recommendation.

Signed by Senators Pflug, Ranking Minority Member and Parlette.

Staff: Edith Rice (786-7444)

SENATE COMMITTEE ON WAYS & MEANS

Majority Report: That Second Substitute Senate Bill No. 5596 be substituted therefor, and the second substitute bill do pass.

Signed by Senators Prentice, Chair; Fraser, Vice Chair, Capital Budget Chair; Pridemore, Vice Chair, Operating Budget; Zarelli, Ranking Minority Member; Brandland, Carrell, Fairley, Hatfield, Hobbs, Keiser, Kohl-Welles, Oemig, Regala, Roach, Rockefeller and Schoesler.

Minority Report: Do not pass.

Signed by Senator Tom.

Minority Report: That it be referred without recommendation.

Signed by Senator Parlette.

This analysis was prepared by non-partisan legislative staff for the use of legislative members in their deliberations. This analysis is not a part of the legislation nor does it constitute a statement of legislative intent.

Staff: Erik Sund (786-7454)

Background: Under current law, the rates paid by health care insurers for services rendered by chiropractors may differ from the rates paid to other kinds of health care providers.

Summary of Bill (Recommended Second Substitute): Health carriers may not adopt payment methodologies which pay chiropractors less than other health care professionals for substantially similar health care services.

EFFECT OF CHANGES MADE BY WAYS & MEANS COMMITTEE (Recommended Second Substitute): Deletes the references to discrimination that were included in the original bill and the substitute bill recommended by the Health & Long Term Care Committee; and updates the title to reflect this change. The effective date of the restrictions on reimbursement schedules is changed from January 1, 2008 to January 1, 2009.

EFFECT OF CHANGES MADE BY HEALTH & LONG TERM CARE COMMITTEE (Recommended First Substitute): The substitute bill applies to health carriers only and contains a delayed effective date of January 1, 2008, for payment methodologies developed and employed on or after that date.

Appropriation: None.

Fiscal Note: Available.

Committee/Commission/Task Force Created: No.

Effective Date: Ninety days after adjournment of session in which bill is passed.

Staff Summary of Public Testimony on Original Bill (Health & Long-Term Care, 2007):

PRO: We have made efforts to negotiate with insurers to open panels to chiropractors. Chiropractors should be reimbursed equally based on the services performed.

CON: Payment for the same service by different providers can vary greatly based on the expertise of the provider. This will increase costs and limit our ability to deliver quality care at a low cost.

Persons Testifying (Health & Long-Term Care): **PRO:** Lori Bielinski, Austin McMillin, D.C., Washington State Chiropractic Association.

CON: Sydney Zvara, Washington Association of Health Plans, Scott Plack, Group Health Cooperative, Abi Castillo, Health Plans of Washington, Mel Sorenson, Washington Association of Health Underwriters, Nancy Wildermuth, Regence Blue Shield, Aetna, Pacificare.

Staff Summary of Public Testimony on First Substitute Bill (Ways & Means, 2008):

PRO: Currently, chiropractors are paid less than other kinds of health care professionals even when providing the same services. Health carriers should treat providers from different professions the same. It is a myth that chiropractic services are less effective than similar services provided by other kinds of health care providers. An amendment is available that removes the protected class terminology from the bill.

CON: This bill will increase health care networks' expenses at a time when employers and consumers are facing increased health care costs. It is appropriate that health care providers

are reimbursed at different rates based upon varying levels of skill, training and expertise. This bill may also result in expensive litigation.

Persons Testifying (Ways & Means): PRO: Senator Rosa Franklin, prime sponsor; Lori Bielinski, Washington Chiropractic Association; Austin McMillin, D.C., Washington State Chiropractic Association.

CON: Mel Sorensen, America's Health Insurance Plans; Nancee Wildermuth, Regence Blue Shield, Pacificare, and Aetna.