
SENATE BILL 5734

State of Washington

66th Legislature

2019 Regular Session

By Senators Cleveland and Becker

1 AN ACT Relating to the hospital safety net assessment; amending
2 RCW 74.60.005, 74.60.010, 74.60.020, 74.60.030, 74.60.050, 74.60.090,
3 74.60.120, and 74.60.901; providing an effective date; providing an
4 expiration date; and declaring an emergency.

5 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

6 **Sec. 1.** RCW 74.60.005 and 2017 c 228 s 1 are each amended to
7 read as follows:

8 (1) The purpose of this chapter is to provide for a safety net
9 assessment on certain Washington hospitals, which will be used solely
10 to augment funding from all other sources and thereby support
11 additional payments to hospitals for medicaid services as specified
12 in this chapter.

13 (2) The legislature finds that federal health care reform will
14 result in an expansion of medicaid enrollment in this state and an
15 increase in federal financial participation.

16 (3) In adopting this chapter, it is the intent of the
17 legislature:

18 (a) To impose a hospital safety net assessment to be used solely
19 for the purposes specified in this chapter;

20 (b) To generate approximately one billion dollars per state
21 fiscal biennium in new state and federal funds by disbursing all of

1 that amount to pay for medicaid hospital services and grants to
2 certified public expenditure and critical access hospitals, except
3 costs of administration as specified in this chapter, in the form of
4 additional payments to hospitals and managed care plans, which may
5 not be a substitute for payments from other sources, but which
6 include quality improvement incentive payments under RCW 74.09.611;

7 (c) To generate two hundred ninety-two million dollars per
8 biennium during the ~~((2017-2019))~~ 2021-2023 and ~~((2019-2021))~~
9 2023-2025 biennia in new funds to be used in lieu of state general
10 fund payments for medicaid hospital services;

11 (d) That the total amount assessed not exceed the amount needed,
12 in combination with all other available funds, to support the
13 payments authorized by this chapter;

14 (e) To condition the assessment on receiving federal approval for
15 receipt of additional federal financial participation and on
16 continuation of other funding sufficient to maintain aggregate
17 payment levels to hospitals for inpatient and outpatient services
18 covered by medicaid, including fee-for-service and managed care, at
19 least at the rates the state paid for those services on July 1, 2015,
20 as adjusted for current enrollment and utilization; and

21 (f) For each of the two biennia starting with fiscal year
22 ~~((2018))~~ 2020 to generate:

23 (i) Four million dollars for new integrated evidence-based
24 psychiatry residency program slots that did not receive state funding
25 prior to 2016 at the integrated psychiatry residency program at the
26 University of Washington; and

27 (ii) Eight million two hundred thousand dollars for ~~((new))~~
28 family medicine residency program slots that did not receive state
29 funding prior to 2016, as directed through the family medicine
30 residency network at the University of Washington, for slots where
31 residents are employed by hospitals.

32 **Sec. 2.** RCW 74.60.010 and 2017 c 228 s 2 are each amended to
33 read as follows:

34 The definitions in this section apply throughout this chapter
35 unless the context clearly requires otherwise.

36 (1) "Authority" means the health care authority.

37 (2) "Base year" for medicaid payments for state fiscal year 2017
38 is state fiscal year 2014. For each following year's calculations,
39 the base year must be updated to the next following year.

1 (3) "Bordering city hospital" means a hospital as defined in WAC
2 182-550-1050 and bordering cities as described in WAC 182-501-0175,
3 or successor rules.

4 (4) "Certified public expenditure hospital" means a hospital
5 participating in (~~or that at any point from June 30, 2013, to July~~
6 ~~1, 2019, has participated in~~) the authority's certified public
7 expenditure payment program as described in WAC 182-550-4650 or
8 successor rule. (~~For purposes of this chapter any such hospital~~
9 ~~shall continue to be treated as a certified public expenditure~~
10 ~~hospital for assessment and payment purposes through the date~~
11 ~~specified in RCW 74.60.901.~~) The eligibility of such hospitals to
12 receive grants under RCW 74.60.090 solely from funds generated under
13 this chapter must remain in effect through the date specified in RCW
14 74.60.901 and must not be affected by any modification or termination
15 of the federal certified public expenditure program, or reduced by
16 the amount of any federal funds no longer available for that purpose.

17 (5) "Critical access hospital" means a hospital as described in
18 RCW 74.09.5225.

19 (6) "Director" means the director of the health care authority.

20 (7) "Eligible new prospective payment hospital" means a
21 prospective payment hospital opened after January 1, 2009, for which
22 a full year of cost report data as described in RCW 74.60.030(2) and
23 a full year of medicaid base year data required for the calculations
24 in RCW 74.60.120(3) are available.

25 (8) "Fund" means the hospital safety net assessment fund
26 established under RCW 74.60.020.

27 (9) "Hospital" means a facility licensed under chapter 70.41 RCW.

28 (10) "Long-term acute care hospital" means a hospital which has
29 an average inpatient length of stay of greater than twenty-five days
30 as determined by the department of health.

31 (11) "Managed care organization" means an organization having a
32 certificate of authority or certificate of registration from the
33 office of the insurance commissioner that contracts with the
34 authority under a comprehensive risk contract to provide prepaid
35 health care services to eligible clients under the authority's
36 medicaid managed care programs, including the healthy options
37 program.

38 (12) "Medicaid" means the medical assistance program as
39 established in Title XIX of the social security act and as
40 administered in the state of Washington by the authority.

1 (13) "Medicare cost report" means the medicare cost report, form
2 2552, or successor document.

3 (14) "Nonmedicare hospital inpatient day" means total hospital
4 inpatient days less medicare inpatient days, including medicare days
5 reported for medicare managed care plans, as reported on the medicare
6 cost report, form 2552, or successor forms, excluding all skilled and
7 nonskilled nursing facility days, skilled and nonskilled swing bed
8 days, nursery days, observation bed days, hospice days, home health
9 agency days, and other days not typically associated with an acute
10 care inpatient hospital stay.

11 (15) "Outpatient" means services provided classified as
12 ambulatory payment classification services or successor payment
13 methodologies as defined in WAC 182-550-7050 or successor rule and
14 applies to fee-for-service payments and managed care encounter data.

15 (16) "Prospective payment system hospital" means a hospital
16 reimbursed for inpatient and outpatient services provided to medicaid
17 beneficiaries under the inpatient prospective payment system and the
18 outpatient prospective payment system as defined in WAC 182-550-1050
19 or successor rule. For purposes of this chapter, prospective payment
20 system hospital does not include a hospital participating in the
21 certified public expenditure program or a bordering city hospital
22 located outside of the state of Washington and in one of the
23 bordering cities listed in WAC 182-501-0175 or successor rule.

24 (17) "Psychiatric hospital" means a hospital facility licensed as
25 a psychiatric hospital under chapter 71.12 RCW.

26 (18) "Rehabilitation hospital" means a medicare-certified
27 freestanding inpatient rehabilitation facility.

28 (19) "Small rural disproportionate share hospital payment" means
29 a payment made in accordance with WAC 182-550-5200 or successor rule.

30 (20) "Upper payment limit" means the aggregate federal upper
31 payment limit on the amount of the medicaid payment for which federal
32 financial participation is available for a class of service and a
33 class of health care providers, as specified in 42 C.F.R. Part 47, as
34 separately determined for inpatient and outpatient hospital services.

35 **Sec. 3.** RCW 74.60.020 and 2017 c 228 s 3 are each amended to
36 read as follows:

37 (1) A dedicated fund is hereby established within the state
38 treasury to be known as the hospital safety net assessment fund. The
39 purpose and use of the fund shall be to receive and disburse funds,

1 together with accrued interest, in accordance with this chapter.
2 Moneys in the fund, including interest earned, shall not be used or
3 disbursed for any purposes other than those specified in this
4 chapter. Any amounts expended from the fund that are later recouped
5 by the authority on audit or otherwise shall be returned to the fund.

6 (a) Any unexpended balance in the fund at the end of a fiscal
7 year shall carry over into the following fiscal year or that fiscal
8 year and the following fiscal year and shall be applied to reduce the
9 amount of the assessment under RCW 74.60.050(1)(c).

10 (b) Any amounts remaining in the fund after July 1, (~~2021~~)
11 2023, shall be refunded to hospitals, pro rata according to the
12 amount paid by the hospital since July 1, 2013, subject to the
13 limitations of federal law.

14 (2) All assessments, interest, and penalties collected by the
15 authority under RCW 74.60.030 and 74.60.050 shall be deposited into
16 the fund.

17 (3) Disbursements from the fund are conditioned upon
18 appropriation and the continued availability of other funds
19 sufficient to maintain aggregate payment levels to hospitals for
20 inpatient and outpatient services covered by medicaid, including fee-
21 for-service and managed care, at least at the levels the state paid
22 for those services on July 1, 2015, as adjusted for current
23 enrollment and utilization.

24 (4) Disbursements from the fund may be made only:

25 (a) To make payments to hospitals and managed care plans as
26 specified in this chapter;

27 (b) To refund erroneous or excessive payments made by hospitals
28 pursuant to this chapter;

29 (c) For one million dollars per biennium for payment of
30 administrative expenses incurred by the authority in performing the
31 activities authorized by this chapter;

32 (d) For two hundred ninety-two million dollars per biennium, to
33 be used in lieu of state general fund payments for medicaid hospital
34 services, provided that if the full amount of the payments required
35 under RCW 74.60.120 and 74.60.130 cannot be distributed in a given
36 fiscal year, this amount must be reduced proportionately;

37 (e) To repay the federal government for any excess payments made
38 to hospitals from the fund if the assessments or payment increases
39 set forth in this chapter are deemed out of compliance with federal
40 statutes and regulations in a final determination by a court of

1 competent jurisdiction with all appeals exhausted. In such a case,
2 the authority may require hospitals receiving excess payments to
3 refund the payments in question to the fund. The state in turn shall
4 return funds to the federal government in the same proportion as the
5 original financing. If a hospital is unable to refund payments, the
6 state shall develop either a payment plan, or deduct moneys from
7 future medicaid payments, or both;

8 (f) To pay an amount sufficient, when combined with the maximum
9 available amount of federal funds necessary to provide a one percent
10 increase in medicaid hospital inpatient rates to hospitals eligible
11 for quality improvement incentives under RCW 74.09.611. By May 16,
12 2018(~~(+)~~), and by each May 16 thereafter, the authority, in
13 cooperation with the department of health, must verify that each
14 hospital eligible to receive quality improvement incentives under the
15 terms of this chapter is in substantial compliance with the reporting
16 requirements in RCW 43.70.052 and 70.01.040 for the prior period. For
17 the purposes of this subsection, "substantial compliance" means, in
18 the prior period, the hospital has submitted at least nine of the
19 twelve monthly reports by the due date. The authority must distribute
20 quality improvement incentives to hospitals that have met these
21 requirements beginning July 1 of 2018 and each July 1 thereafter; and

22 (g) For each state fiscal year (~~(2018)~~) 2020 through (~~(2021)~~)
23 2023 to generate:

24 (i) Two million dollars for (~~(new)~~) integrated evidence-based
25 psychiatry residency program slots that did not receive state funding
26 prior to 2016 at the integrated psychiatry residency program at the
27 University of Washington; and

28 (ii) Four million one hundred thousand dollars for (~~(new)~~) family
29 medicine residency program slots that did not receive state funding
30 prior to 2016, as directed through the family medicine residency
31 network at the University of Washington, for slots where residents
32 are employed by hospitals.

33 **Sec. 4.** RCW 74.60.030 and 2017 c 228 s 4 are each amended to
34 read as follows:

35 (1)(a) Upon satisfaction of the conditions in RCW 74.60.150(1),
36 and so long as the conditions in RCW 74.60.150(2) have not occurred,
37 an assessment is imposed as set forth in this subsection. Assessment
38 notices must be sent on or about thirty days prior to the end of each
39 quarter and payment is due thirty days thereafter.

1 (b) Effective July 1, 2015, and except as provided in RCW
2 74.60.050:

3 (i) Each prospective payment system hospital, except psychiatric
4 and rehabilitation hospitals, shall pay a quarterly assessment. Each
5 quarterly assessment shall be no more than one quarter of three
6 hundred eighty dollars for each annual nonmedicare hospital inpatient
7 day, up to a maximum of fifty-four thousand days per year. For each
8 nonmedicare hospital inpatient day in excess of fifty-four thousand
9 days, each prospective payment system hospital shall pay a quarterly
10 assessment of one quarter of seven dollars for each such day, unless
11 such assessment amount or threshold needs to be modified to comply
12 with applicable federal regulations;

13 (ii) Each critical access hospital shall pay a quarterly
14 assessment of one quarter of ten dollars for each annual nonmedicare
15 hospital inpatient day;

16 (iii) Each psychiatric hospital shall pay a quarterly assessment
17 of no more than one quarter of seventy-four dollars for each annual
18 nonmedicare hospital inpatient day; and

19 (iv) Each rehabilitation hospital shall pay a quarterly
20 assessment of no more than one quarter of seventy-four dollars for
21 each annual nonmedicare hospital inpatient day.

22 (2) The authority shall determine each hospital's annual
23 nonmedicare hospital inpatient days by summing the total reported
24 nonmedicare hospital inpatient days for each hospital that is not
25 exempt from the assessment under RCW 74.60.040. The authority shall
26 obtain inpatient data from the hospital's 2552 cost report data file
27 or successor data file available through the centers for medicare and
28 medicaid services, as of a date to be determined by the authority.
29 For state fiscal year ((2017)) 2021, the authority shall use cost
30 report data for hospitals' fiscal years ending in ((2013)) 2017. For
31 subsequent years, the hospitals' next succeeding fiscal year cost
32 report data must be used.

33 (a) With the exception of a prospective payment system hospital
34 commencing operations after January 1, 2009, for any hospital without
35 a cost report for the relevant fiscal year, the authority shall work
36 with the affected hospital to identify appropriate supplemental
37 information that may be used to determine annual nonmedicare hospital
38 inpatient days.

39 (b) A prospective payment system hospital commencing operations
40 after January 1, 2009, must be assessed in accordance with this

1 section after becoming an eligible new prospective payment system
2 hospital as defined in RCW 74.60.010.

3 **Sec. 5.** RCW 74.60.050 and 2017 c 228 s 5 are each amended to
4 read as follows:

5 (1) The authority, in cooperation with the office of financial
6 management, shall develop rules for determining the amount to be
7 assessed to individual hospitals, notifying individual hospitals of
8 the assessed amount, and collecting the amounts due. Such rule making
9 shall specifically include provision for:

10 (a) Transmittal of notices of assessment by the authority to each
11 hospital informing the hospital of its nonmedicare hospital inpatient
12 days and the assessment amount due and payable;

13 (b) Interest on delinquent assessments at the rate specified in
14 RCW 82.32.050; and

15 (c) Adjustment of the assessment amounts in accordance with
16 subsection (~~((2))~~) (3) of this section.

17 (2) For any hospital failing to make an assessment payment within
18 ninety days of its due date, the authority may offset an amount from
19 payments scheduled to be made by the authority to the hospital,
20 reflecting the assessment payments owed by the hospital plus any
21 interest. The authority shall deposit these offset funds into the
22 dedicated hospital safety net assessment fund.

23 (3) For each state fiscal year, the assessment amounts
24 established under RCW 74.60.030 must be adjusted as follows:

25 (a) If sufficient other funds, including federal funds, are
26 available to make the payments required under this chapter and fund
27 the state portion of the quality incentive payments under RCW
28 74.09.611 and 74.60.020(4)(f) without utilizing the full assessment
29 under RCW 74.60.030, the authority shall reduce the amount of the
30 assessment to the minimum levels necessary to support those payments;

31 (b) If the total amount of inpatient and outpatient supplemental
32 payments under RCW 74.60.120 is in excess of the upper payment limits
33 and the entire excess amount cannot be disbursed by additional
34 payments to managed care organizations under RCW 74.60.130, the
35 authority shall proportionately reduce future assessments on
36 prospective payment hospitals to the level necessary to generate
37 additional payments to hospitals that are consistent with the upper
38 payment limit plus the maximum permissible amount of additional
39 payments to managed care organizations under RCW 74.60.130;

1 (c) If the amount of payments to managed care organizations under
2 RCW 74.60.130 cannot be distributed because of failure to meet
3 federal actuarial soundness or utilization requirements or other
4 federal requirements, the authority shall apply the amount that
5 cannot be distributed to reduce future assessments to the level
6 necessary to generate additional payments to managed care
7 organizations that are consistent with federal actuarial soundness or
8 utilization requirements or other federal requirements;

9 (d) If required in order to obtain federal matching funds, the
10 maximum number of nonmedicare inpatient days at the higher rate
11 provided under RCW 74.60.030(1)(b)(i) may be adjusted in order to
12 comply with federal requirements;

13 (e) If the number of nonmedicare inpatient days applied to the
14 rates provided in RCW 74.60.030 will not produce sufficient funds to
15 support the payments required under this chapter and the state
16 portion of the quality incentive payments under RCW 74.09.611 and
17 74.60.020(4)(f), the assessment rates provided in RCW 74.60.030 may
18 be increased proportionately by category of hospital to amounts no
19 greater than necessary in order to produce the required level of
20 funds needed to make the payments specified in this chapter and the
21 state portion of the quality incentive payments under RCW 74.09.611
22 and 74.60.020(4)(f); and

23 (f) Any actual or estimated surplus remaining in the fund at the
24 end of the fiscal year must be applied to reduce the assessment
25 amount for the subsequent fiscal year or that fiscal year and the
26 following fiscal years prior to and including fiscal year (~~2021~~)
27 2023.

28 (~~(3)~~) (4)(a) Any adjustment to the assessment amounts pursuant
29 to this section, and the data supporting such adjustment, including,
30 but not limited to, relevant data listed in (b) of this subsection,
31 must be submitted to the Washington state hospital association for
32 review and comment at least sixty calendar days prior to
33 implementation of such adjusted assessment amounts. Any review and
34 comment provided by the Washington state hospital association does
35 not limit the ability of the Washington state hospital association or
36 its members to challenge an adjustment or other action by the
37 authority that is not made in accordance with this chapter.

38 (b) The authority shall provide the following data to the
39 Washington state hospital association sixty days before implementing
40 any revised assessment levels, detailed by fiscal year, beginning

1 with fiscal year 2011 and extending to the most recent fiscal year,
2 except in connection with the initial assessment under this chapter:

3 (i) The fund balance;

4 (ii) The amount of assessment paid by each hospital;

5 (iii) The state share, federal share, and total annual medicaid
6 fee-for-service payments for inpatient hospital services made to each
7 hospital under RCW 74.60.120, and the data used to calculate the
8 payments to individual hospitals under that section;

9 (iv) The state share, federal share, and total annual medicaid
10 fee-for-service payments for outpatient hospital services made to
11 each hospital under RCW 74.60.120, and the data used to calculate
12 annual payments to individual hospitals under that section;

13 (v) The annual state share, federal share, and total payments
14 made to each hospital under each of the following programs: Grants to
15 certified public expenditure hospitals under RCW 74.60.090, for
16 critical access hospital payments under RCW 74.60.100; and
17 disproportionate share programs under RCW 74.60.110;

18 (vi) The data used to calculate annual payments to individual
19 hospitals under (b) (v) of this subsection; and

20 (vii) The amount of payments made to managed care plans under RCW
21 74.60.130, including the amount representing additional premium tax,
22 and the data used to calculate those payments.

23 (c) On a monthly basis, the authority shall provide the
24 Washington state hospital association the amount of payments made to
25 managed care plans under RCW 74.60.130, including the amount
26 representing additional premium tax, and the data used to calculate
27 those payments.

28 **Sec. 6.** RCW 74.60.090 and 2017 c 228 s 6 are each amended to
29 read as follows:

30 (1) In each fiscal year commencing upon satisfaction of the
31 applicable conditions in RCW 74.60.150(1), funds must be disbursed
32 from the fund and the authority shall make grants to certified public
33 expenditure hospitals, which shall not be considered payments for
34 hospital services, as follows:

35 (a) University of Washington medical center: Ten million five
36 hundred fifty-five thousand dollars in (~~each~~) state fiscal year
37 (~~2018~~) 2020 and up to twelve million fifty-five thousand dollars in
38 state fiscal year 2021 through (~~2021~~) 2023 paid as follows, except
39 if the full amount of the payments required under RCW 74.60.120(1)

1 and 74.60.130 cannot be distributed in a given fiscal year, the
2 amounts in this subsection must be reduced proportionately:

3 (i) Four million four hundred fifty-five thousand dollars in
4 state fiscal years 2020 through 2023, except that from state fiscal
5 year 2021 through 2023, if northwest hospital is ineligible to
6 participate in this chapter as a prospective payment hospital, the
7 amount per state fiscal year must be five million nine hundred fifty-
8 five thousand dollars;

9 (ii) Two million dollars to ((new)) integrated, evidence-based
10 psychiatry residency program slots that did not receive state funding
11 prior to 2016, at the integrated psychiatry residency program at the
12 University of Washington; and

13 (iii) Four million one hundred thousand dollars to ((new)) family
14 medicine residency program slots that did not receive state funding
15 prior to 2016, as directed through the family medicine residency
16 network at the University of Washington, for slots where residents
17 are employed by hospitals;

18 (b) Harborview medical center: Ten million two hundred sixty
19 thousand dollars in each state fiscal year 2018 through 2021, except
20 if the full amount of the payments required under RCW 74.60.120(1)
21 and 74.60.130 cannot be distributed in a given fiscal year, the
22 amounts in this subsection must be reduced proportionately;

23 (c) All other certified public expenditure hospitals: ((Six
24 million three hundred forty-five)) Five million six hundred fifteen
25 thousand dollars in each state fiscal year 2018 through 2021, except
26 if the full amount of the payments required under RCW 74.60.120(1)
27 and 74.60.130 cannot be distributed in a given fiscal year, the
28 amounts in this subsection must be reduced proportionately. The
29 amount of payments to individual hospitals under this subsection must
30 be determined using a methodology that provides each hospital with a
31 proportional allocation of the group's total amount of medicaid and
32 state children's health insurance program payments determined from
33 claims and encounter data using the same general methodology set
34 forth in RCW 74.60.120 (3) and (4).

35 (2) Payments must be made quarterly, before the end of each
36 quarter, taking the total disbursement amount and dividing by four to
37 calculate the quarterly amount. The authority shall provide a
38 quarterly report of such payments to the Washington state hospital
39 association.

1 **Sec. 7.** RCW 74.60.120 and 2017 c 228 s 8 are each amended to
2 read as follows:

3 (1) In each state fiscal year, commencing upon satisfaction of
4 the applicable conditions in RCW 74.60.150(1), the authority shall
5 make supplemental payments directly to Washington hospitals,
6 separately for inpatient and outpatient fee-for-service medicaid
7 services, as follows unless there are federal restrictions on doing
8 so. If there are federal restrictions, to the extent allowed, funds
9 that cannot be paid under (a) of this subsection, should be paid
10 under (b) of this subsection, and funds that cannot be paid under (b)
11 of this subsection, shall be paid under (a) of this subsection:

12 (a) For inpatient fee-for-service payments for prospective
13 payment hospitals other than psychiatric or rehabilitation hospitals,
14 twenty-nine million (~~(one hundred sixty-two)~~) eight hundred ninety-
15 two thousand five hundred dollars per state fiscal year plus federal
16 matching funds;

17 (b) For outpatient fee-for-service payments for prospective
18 payment hospitals other than psychiatric or rehabilitation hospitals,
19 thirty million dollars per state fiscal year plus federal matching
20 funds;

21 (c) For inpatient fee-for-service payments for psychiatric
22 hospitals, eight hundred seventy-five thousand dollars per state
23 fiscal year plus federal matching funds;

24 (d) For inpatient fee-for-service payments for rehabilitation
25 hospitals, two hundred twenty-five thousand dollars per state fiscal
26 year plus federal matching funds;

27 (e) For inpatient fee-for-service payments for border hospitals,
28 two hundred fifty thousand dollars per state fiscal year plus federal
29 matching funds; and

30 (f) For outpatient fee-for-service payments for border hospitals,
31 two hundred fifty thousand dollars per state fiscal year plus federal
32 matching funds.

33 (2) If the amount of inpatient or outpatient payments under
34 subsection (1) of this section, when combined with federal matching
35 funds, exceeds the upper payment limit, payments to each category of
36 hospital in subsection (1)(a) through (f) of this section must be
37 reduced proportionately to a level where the total payment amount is
38 consistent with the upper payment limit. (~~Funds under this chapter~~
39 ~~unable to be paid to hospitals under this section because of the~~
40 ~~upper payment limit must be paid to managed care organizations under~~

1 ~~RCW 74.60.130, subject to the limitations in this chapter.)~~ If funds
2 in excess of the upper payment limit cannot be paid under RCW
3 74.60.130 and if the payment amount in excess of the upper payment
4 limit exceeds fifteen million dollars, the authority shall increase
5 the prospective payment system hospital outpatient hospital payment
6 rate, for hospitals using the safety net funding and federal matching
7 funds that would otherwise have been used to fund the payments under
8 subsection (1) of this section that exceed the upper payment limit.
9 By January 1st of each year, the authority shall provide to the
10 Washington state hospital association an upper payment limit analysis
11 using the latest available claims data for the historic periods in
12 the calculation. If the analysis shows the payments are projected to
13 exceed the upper payment limit by at least fifteen million dollars,
14 the authority shall initiate an outpatient rate increase effective
15 July 1st of that year.

16 (3) The amount of such fee-for-service inpatient payments to
17 individual hospitals within each of the categories identified in
18 subsection (1)(a), (c), (d), and (e) of this section must be
19 determined by:

20 (a) Totaling the inpatient fee-for-service claims payments and
21 inpatient managed care encounter rate payments for each hospital
22 during the base year;

23 (b) Totaling the inpatient fee-for-service claims payments and
24 inpatient managed care encounter rate payments for all hospitals
25 during the base year; and

26 (c) Using the amounts calculated under (a) and (b) of this
27 subsection to determine an individual hospital's percentage of the
28 total amount to be distributed to each category of hospital.

29 (4) The amount of such fee-for-service outpatient payments to
30 individual hospitals within each of the categories identified in
31 subsection (1)(b) and (f) of this section must be determined by:

32 (a) Totaling the outpatient fee-for-service claims payments and
33 outpatient managed care encounter rate payments for each hospital
34 during the base year;

35 (b) Totaling the outpatient fee-for-service claims payments and
36 outpatient managed care encounter rate payments for all hospitals
37 during the base year; and

38 (c) Using the amounts calculated under (a) and (b) of this
39 subsection to determine an individual hospital's percentage of the
40 total amount to be distributed to each category of hospital.

1 (5) Sixty days before the first payment in each subsequent fiscal
2 year, the authority shall provide each hospital and the Washington
3 state hospital association with an explanation of how the amounts due
4 to each hospital under this section were calculated.

5 (6) Payments must be made in quarterly installments on or about
6 the last day of every quarter.

7 (7) A prospective payment system hospital commencing operations
8 after January 1, 2009, is eligible to receive payments in accordance
9 with this section after becoming an eligible new prospective payment
10 system hospital as defined in RCW 74.60.010.

11 (8) Payments under this section are supplemental to all other
12 payments and do not reduce any other payments to hospitals.

13 **Sec. 8.** RCW 74.60.901 and 2017 c 228 s 12 are each amended to
14 read as follows:

15 This chapter expires July 1, (~~2021~~) 2025.

16 NEW SECTION. **Sec. 9.** This act is necessary for the immediate
17 preservation of the public peace, health, or safety, or support of
18 the state government and its existing public institutions, and takes
19 effect July 1, 2019.

--- END ---