

CERTIFICATION OF ENROLLMENT

**SUBSTITUTE SENATE BILL 5169**

Chapter 94, Laws of 2021

67th Legislature  
2021 Regular Session

HEALTH PROVIDERS—PERSONAL PROTECTIVE EQUIPMENT REIMBURSEMENT—  
COVID-19

EFFECTIVE DATE: April 16, 2021

Passed by the Senate February 10,  
2021

Yeas 49 Nays 0

DENNY HECK

**President of the Senate**

Passed by the House April 5, 2021

Yeas 98 Nays 0

LURIE JINKINS

**Speaker of the House of  
Representatives**

Approved April 16, 2021 10:49 AM

CERTIFICATE

I, Brad Hendrickson, Secretary of the Senate of the State of Washington, do hereby certify that the attached is **SUBSTITUTE SENATE BILL 5169** as passed by the Senate and the House of Representatives on the dates hereon set forth.

BRAD HENDRICKSON

**Secretary**

FILED

April 16, 2021

JAY INSLEE

**Governor of the State of Washington**

**Secretary of State  
State of Washington**

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**SUBSTITUTE SENATE BILL 5169**

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Passed Legislature - 2021 Regular Session

**State of Washington**

**67th Legislature**

**2021 Regular Session**

**By** Senate Health & Long Term Care (originally sponsored by Senators Frockt, Holy, Carlyle, Das, Hunt, Kuderer, Lias, Randall, Robinson, and Wilson, C.)

READ FIRST TIME 01/29/21.

1           AN ACT Relating to provider reimbursement for personal protective  
2 equipment during the state of emergency related to COVID-19; adding a  
3 new section to chapter 48.43 RCW; creating new sections; providing a  
4 contingent expiration date; and declaring an emergency.

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

6           NEW SECTION.   **Sec. 1.** (1) The legislature finds that:

7           (a) The delivery of health care services is essential and  
8 maintaining patient safety during the ongoing public health emergency  
9 is paramount;

10           (b) Pursuant to state and federal regulations, and in the  
11 interest of minimizing the risk of viral transmission, health care  
12 providers have incurred substantially increased costs during the  
13 public health emergency associated with the procurement of personal  
14 protective equipment;

15           (c) Costs associated with providing care are typically factored  
16 into contracts between a health carrier and a health care provider,  
17 but the dramatically increased personal protective equipment costs  
18 related to the pandemic, in terms of procurement and increased "per  
19 unit" costs, were neither foreseeable nor contemplated in existing  
20 contracts; and

1 (d) Health care providers do not want to bill patients directly  
2 for costs associated with personal protective equipment, and in many  
3 cases are precluded from doing so pursuant to terms of contract  
4 between health care providers and health carriers, so many health  
5 care providers currently do not have a mechanism to recoup costs of  
6 personal protective equipment.

7 (2) Therefore, the legislature finds that to help ensure patient  
8 safety and continued access to personal protective equipment, it is  
9 necessary that health carriers reimburse health care providers for  
10 costs associated with personal protective equipment.

11 NEW SECTION. **Sec. 2.** A new section is added to chapter 48.43  
12 RCW to read as follows:

13 (1) For the duration of the federal public health emergency  
14 related to COVID-19, a health benefit plan shall reimburse a health  
15 care provider who bills for incurred personal protective equipment  
16 expenses as a separate expense, using the American medical  
17 association's current procedural terminology code 99072 or as  
18 subsequently amended, \$6.57 for each individual patient encounter.

19 (2) For purposes of this section, cost sharing is limited to the  
20 covered service according to the terms and conditions of the health  
21 benefit plan and does not apply to an expense for personal protective  
22 equipment.

23 (3) This section is not intended to apply to health care services  
24 that are not provided in person.

25 NEW SECTION. **Sec. 3.** This act applies prospectively for the  
26 duration of the state of emergency related to COVID-19.

27 NEW SECTION. **Sec. 4.** This act is necessary for the immediate  
28 preservation of the public peace, health, or safety, or support of  
29 the state government and its existing public institutions, and takes  
30 effect immediately.

31 NEW SECTION. **Sec. 5.** Section 2 of this act expires upon the  
32 termination of the federal public health emergency related to  
33 COVID-19 as proclaimed by the United States department of health and  
34 human services.

Passed by the Senate February 10, 2021.  
Passed by the House April 5, 2021.

Approved by the Governor April 16, 2021.  
Filed in Office of Secretary of State April 16, 2021.

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