

Supreme Court Affirms Washington State's "Every-Category" Law

Editorial Staff

OLYMPIA, Wash.-- On January 1, 1996, Washington state made history when the "every-category" law went into effect. It was the first legislation in the nation to require insurance carriers to provide access to all types of health care providers licensed or certified under state law. The law required insurers to cover services by all licensed categories of health care providers, including: chiropractors; physicians; naturopaths and acupuncturists; physician assistants; registered nurses; podiatrists; and licensed massage therapists.

A dozen of Washington state's largest health insurers filed a series of challenges against the law within days of the law going into effect. The insurance industry argued that the state law improperly regulated the contractual relationship between carriers and doctors.

In the spring of 1997, a federal district court judge put the law in limbo, ruling it conflicted with a federal law that bars state regulation of employer benefit plans.

The U.S. Ninth Circuit Court of Appeals in San Francisco, however, ruled that the true beneficiary of the expanded choice was the individual consumer. The court recognized that the law met the traditional tests for insurance matters and therefore properly fell within the state's jurisdiction. The court found that federal law did not prevent Washington state from expanding health coverage to its residents.

On Feb. 22, 1999, the U.S. Supreme Court rejected the insurance industry's attempt to overturn the state's "every-category" law.

The justices ruled that it would let stand the earlier decision of the Ninth Circuit Court of Appeals in San Francisco.

Deborah Senn, the insurance commissioner for Washington state, said that Washington state residents will be the beneficiaries of the high court's decision.

"This is good news for consumers and good news for health care choices," Commissioner Senn commented, noting that the law has survived more than three years of legal challenges. "Choice of provider is the number one issue among health insurance consumers."

Commissioner Senn added that it was time to "get on with the business of protecting consumers and their access to health care." She asserted that her office is working on regulations needed to enforce the law, and will complete that process as quickly as possible.

APRIL 1999