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WA Judge Declares ER Visit Limit Invalid

Thurston County Superior Court Judge, Paula Casey has halted implementation of the State's controversial emergency room three-visit limit for Medicaid enrollees. The ruling, which was issued on Thursday, November 10, 2011, held in favor of the Washington Chapter of the American College of Emergency Physicians (WA/ACEP), the Washington State Medical Association (WSMA), and the Washington State Hospital Association (WSHA), and found the State failed to follow proper rulemaking procedures.

It is not yet known if the Health Care Authority (HCA) will attempt to reissue the ER visit policy. Since the Court's decision was based on the technical aspects of rule-making, and not the three-visit limit itself, it is possible the policy could be implemented if the HCA complies with the Administrative Procedure Act's emergency rule process. Indeed, HCA Director Doug Porter said following the Court's decision that he ordered his staff to revisit rulemaking procedures involved in the judge's order and to correct the deficiencies. "We remain under a legislative mandate to implement this limit and contribute savings to help relieve the state's extreme financial crisis," he said.

If you have questions about Washington Medicaid's three-visit limit or the ruling against it, please contact Jay Packer at jpacker@marinabilling.com / 562.809.3521.