Washington State Hospital Association

WSHA State Rule Making - Complete

PRIORITY	Primary	AGENCY	DESCRIPTION	Effective Date	Final Order	Extra Materials	WSHA Position/Impact	WSHA CONTACT
1	**Patient Right of Refusal for Opioid Prescription**	Department of Health	Patient Right of Refusal for Opioid Prescription- Section 10 of SSB 5380 directs the commission to adopt or amend rules establishing the requirement for advanced registered nurse practitioners (ARNPs) to notify patients of their right to refuse an opioid prescription or order, and the requirement for ARNPs to document any refusal in the patient's record. SSB 5380 requires the commission to adopt or amend rules by January 1, 2020.	01/01/20	Final Order		SUPPORT	Jaclyn Greenberg JaclynG@wsha.org
1	**ARNP Opioid Prescriptions- Right of Refusal for Patients**	The Department of Health	Patient notification, secure storage, and disposal, the nursing care quality assurance commission adopted amendments to existing rule to implement the legislative requirement of SSB 5380, section 10 (chapter 314, Laws of 2019) regarding requiring advanced registered nurse practitioners who prescribe opioids to inform patients of their right to refuse an opioid prescription and document patient requests to avoid opioids.	01/19/20	Final Order		SUPPORT	Jaclyn Greenberg JaclynG@wsha.org
1	**Opioid Prescribing from Osteopathic Physicians**	The Board of Osteopathic Medicine and Surgery	Opioid Prescribing from Osteopathic Physicians- The Board of Osteopathic Medicine and Surgery is proposing amendments to establish patient notification, documentation, counseling requirements, and right to refuse an opioid prescription or order for any reason, when prescribing opioid drugs, as directed by Substitute Senate Bill (SSB) 5380	02/22/20	Final Order		SUPPORT	Jaclyn Greenberg JaclynG@wsha.org
1	**Copay Waiver for COVID-19 Tests**	Office of the Insurance Commissioner	This order requires health insurers to waive copays, coinsurance, and deductibles for COVID-19 testing.	03/05/20	Emergency Order		SUPPORT	Andrew Busz Andrewb@wsha.org
1	**Payment of office visits for clients under the Alien Emergency Medical program for COVID-19**	Health Care Authority	The Health Care Authority is revising this section to allow for payment of office visits for clients under the Alien Emergency Medical (AEM) program when the visit is specifically for the assessment and treatment of the COVID-19 virus.	03/16/20	Emergency Rule		SUPPORT	Andrew Busz Andrewb@wsha.org
1	**Chapter 246-873A WAC Hospital Pharmacy Associated Clinics.**	The Pharmacy Quality Assurance Commission	The Pharmacy Quality Assurance Commission is establishing standards supporting the regulation, inspection, and investigation of pharmacy services provided in individual practitioner offices and multi-practitioner clinics owned and operated by a hospital based on a level of risk and the type of pharmacy services provided at a particular location.	03/17/20		Emergency Rule	SUPPORT	Alicia Eyler AliciaE@wsha.org

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1	**COVID-19: Expanded telehealth, testing coverage, and extended premium grace periods**	Office of the Insurance Commissioner	This order: (1) Expands coverage to additional methods for providing telehealth including telephone and video chat tools such as FaceTime, Facebook Messenger video chat, Google Hangout video, Skype and GoToMeeting; (2) Covers all medically-necessary diagnostic testing for flu and certain other viral respiratory illnesses billed during a provider visit for COVID-19 with no copay, coinsurance or deductible; (3) Treats drive-up testing sites for COVID-19 as provider visit with no copay, coinsurance or deductible. OIC is also directing health insurers to waive or expedite prior authorization requirements for home health care or long-term care facility services.	03/24/20	Emergency Order		SUPPORT	Andrew Busz Andrewb@wsha.org
1	**COVID-19: Schedule II Prescriptions**	Pharmacy Quality Assurance Commission	The emergency rule amends WAC 246-887-020 and increases the duration of time a practitioner has to deliver a signed prescription when authorizing an emergency prescription of a Schedule II substance to the pharmacy from seven days to fifteen days. It also defines what a "signed prescription" means and allows for a practitioner to accomplish this requirement through paper, electronic transmission, facsimile, photograph, or scanned copy. These alternative methodologies support patients, practitioners, and pharmacists efforts to practice social distancing and to help mitigate communal spread.	04/21/20	Final Order		SUPPORT	David Streeter DavidS@wsha.org
1	**Behavioral health agencies - Department of Health - 246-341**	The Department of Health	Behavioral health agencies - Department of Health - 246-341 - DOH is reviewing relevant regulations for inpatient mental health services to identify potential changes to address care delivery for adults on 90 and 180 day commitment orders. DOH is also considering establishing rules to create standards for licensure or certification of intensive behavioral health treatment facilities and community behavioral health agencies to provide mental health peer respite center services to implement Second Substitute House Bill (2SHB) 1394 (Chapter 324, Laws of 2019)	05/01/20	Final Order		SUPPORT	Jaclyn Greenberg JaclynG@wsha.org

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1	**Single Bed Certification-Emergency Rules**	Health Care Authority	This rulemaking is required to comply with the requirements in 2ESHB 1388 which changed the designation of the state Behavioral Health Services, effective July 1, 2018. The Single Bed Certification rules were previously filed under Preproposal Statement of Inquiry WSR-18-14-080 and Emergency Rulemaking Order 19-13-057, as WAC 182-538D-0526. The rulemaking under WSR 18-14-080 has progressed to a public hearing under WSR 19-20-125. Rulemaking for Single Bed Certification will be continued through a separate rulemaking progress as the agency has additional work to do to develop the program. Single Bed Certification has also been renumbered from WAC 182-538D-0526 to WAC 182-100-0200 to reflect that it is not solely a service under Medicaid.	06/05/20	Emergency Rules	Previous Emergency Rules filed as WSR 19-21-065 and WSR 20-05-021	MONITOR	Jaclyn Greenberg JaclynG@wsha.org
1	**Psychiatric Per Diem Rates**	Health Care Authority	HCA intends to submit Medicaid SPA 20-0018 in order to implement certain directives in ESSB 6168, signed by the governor on April 3, 2020. ESSB 6168 directs HCA to increase psychiatric per diem rates for community hospitals that serve patients in long term commitments of ninety days or longer.	07/01/20			SUPPORT	Andrew Busz Andrewb@wsha.org
1	**Hospital Payments**	Health Care Authority	HCA is submitting Medicaid SPA 20-0015 in order to comply with ESSB 6168, which increases the rates paid to low-volume, small rural hospitals that meet the criteria outlined below. Payments must be increased to one hundred fifty percent of the hospital's fee-for-service rates for state and federal medical assistance programs for services provided by a qualifying hospital, regardless of the beneficiary's managed care enrollment status.	07/01/20			SUPPORT	Andrew Busz Andrewb@wsha.org
1	**Pharmacy Rules Re-Write Project**	The Department of Health, Pharmacy Quality Assurance Commission	Pharmacy Re-Write Project: As part of its general re-write project, the Department of Health (DOH), Pharmacy Quality Assurance Commission, is considering revising its rules around licensing of pharmacies, facilities, and professionals that fall under the commission's jurisdiction. The commission will reevaluate current licensing standards, and will consider reorganizing licensing standards into a new chapter or chapters to address any changes identified as needed.	07/01/20	Final Order		SUPPORT	David Streeter DavidS@wsha.org
1	**Revisions to EAP Exemption from the Minimum Wage Act**	L&I	Revisions to EAP Exemption from the Minimum Wage Act - Effective July 1, 2020, the final rule establishes an overtime pay threshold of 2.5 times the state's minimum wage with a phased-in implementation over 8 years (until 2028). For an employee to be exempt from overtime pay obligations, they will need to make more than the threshold specified by L&I and satisfy the relevant duties test.	07/01/20	Final Order	Click to see more materials	CONCERNS	David Streeter DavidS@wsha.org

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1	**Repeal of WAC 246-901-140**	The Department of Health	Repeal of WAC 246-901-140 , DOH- Repealing the rule that establishes the process to seek an exception to the standard pharmacist to pharmacy technician ratio by developing and presenting a pharmacy services plan for approval by the Pharmacy Quality Assurance Commission. The Pharmacy Quality Assurance Commission (commission) is proposing to repeal the rule because the circumstances have changed and the rule is no longer needed. The rule is no longer necessary due to the adoption of rule amendments to WAC 246-901-130 Pharmacist to Pharmacy Technician Ratio filed under WSR 19-17-034 on August 14, 2019.	07/01/20	Expedited Proposal	Final Order	SUPPORT	David Streeter DavidS@wsha.org
2	**Behavioral Health Services and Problem Gaming**	Health Care Authority	This rulemaking is required to comply with the requirements in 2ESHB 1388 which changed the designation of the state Behavioral Health Authority from the Department of Social and Health Services to the Health Care Authority, effective July 1, 2018. These rules currently operate under emergency filing WSR 19-13-057. This rulemaking is also required to implement Engrossed Second Substitute Senate Bill 5432 which directs the agency to fully implement behavioral health integration for January 1, 2020, by: 1) removing behavioral health organizations from law; 2) clarifying the roles and responsibilities among the Health Care Authority, the Department of Social and Health Services, and the Department of Health; and 3) clarifying the roles and responsibilities of behavioral health administrative services organizations and the Medicaid managed care organizations; and 4) making technical corrections related to the behavioral health system. This rulemaking is also needed to implement Second Substitute Senate Bill 6312 concerning state purchasing of mental health and chemical dependency treatment services and the full integration of medical and behavioral health services by January 1, 2020.	01/01/20	Final Order		NEUTRAL	Jaclyn Greenberg JaclynG@wsha.org
2	**HCA Adjustment to Inpatient Rates**	Health Care Authority	HCA Adjustment to Inpatient Rates- is extending the date for rate enhancements for sole community hospitals from July 1, 2018 through June 30, 2021. During this time, the agency multiplies a hospital's specific conversion factor and per diem rates by 1.50. Starting July 1, 2021, the agency multiplies a hospital's specific conversion factor and per diem rates by 1.25.	01/11/20	Final Order		SUPPORT	Andrew Busz Andrewb@wsha.org

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2	**Rural Health Clinic Reimbursement**	Health Care Authority	HCA, Rural Health Clinic Reimbursement- HCA is amending WAC 182-549 to clarify the frequency of reconciliations, and to update timeliness standards criteria for enrollment of Rural Health Clinics to include receipt of Medicare certification letter. The agency is also amending this chapter to clarify that the agency covers dental services under 42 C.F.R. 491.2.	01/26/20	Final Order		NEUTRAL	Andrew Busz Andrewb@wsha.org
2	**Program Integrity Updates- WAC 182-502A-0401**	Health Care Authority	HCA, Program Integrity Updates- WAC 182-502A-0401 provides detail about PI activity methods and specifies that the agency may request and evaluate records or other information. This rule also sets out requirements for the electronic or facsimile submission of records and states that the agency destroys hardcopies submitted without prior approval. The rule provides that entities must not adjust or rebill a claim subject to a PI activity until the activity and all appeals are exhausted.	01/31/20	Final Order		MONITOR	Shirley Prasad ShirleyP@wsha.org
2	**Implementation of SHB 1870 – Federal Patient Protection and Affordable Care Act**	Office of the Insurance Commissioner	Office of the Insurance Commissioner -Implementation of SHB 1870 – Federal Patient Protection and Affordable Care Act – State Law - SHB 1870 (Chapter 33, Laws of 2019) codifies several provisions of the Affordable Care Act into state law. Some provisions of SHB 1870 authorize OIC to engage in rulemaking necessary to implement the provisions of the legislation. Existing rules may need to be amended to be consistent with SHB 1870, and new rules may be required. Such rules will facilitate implementation of the law by ensuring that all affected entities understand their rights and obligations under the new law.	02/17/20	Final Order	Concise Explanatory Statement	NEUTRAL	Shirley Prasad ShirleyP@wsha.org
2	**Behavioral Health Agency Licensing and Certification- COVID-19 Response**	Department of Health	The Washington State Department of Health is waiving certain behavioral health agency licensing and certification requirements that impose an obligation on licensed behavioral health agencies to provide certain assessments and services “in person” or “faceto-face.”	03/17/20	Final Order		SUPPORT	Jaclyn Greenberg JaclynG@wsha.org
2	**Health Record Duplication Fees**	The Department of Health	The Department of Health (department) is proposing to increase the maximum fees providers may change to search or duplicate records pursuant to RCW 70.02.010(38). Under the proposal, health care providers would be able to charge up to $.24 per sheet for copies of records up to 30 pages, and up to $.94 for pages beyond 30. Health care providers would also be able to charge a clerical fee up to $28.	03/19/20	Final Order		NEUTRAL	David Streeter DavidS@wsha.org
2	**COVID-19: Medicaid Client Signature Requirement for Pharmaceuticals**	Health Care Authority	The health care authority is temporarily removing the requirement to obtain a signature from the medicaid client or the client's designee upon receipt of pharmacy products dispensed and delivered directly to a client.	03/31/20	Final Order		SUPPORT	David Streeter DavidS@wsha.org

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2	**WAC 182-530-4050 Drug use and claims review**		WAC 182-530-4050 Drug use and claims review - The agency is revising this rule to comply with the requirements of section 1004 of the Support for Patients and Communities Act under 42 U.S.C. 1396a(a) by more accurately detailing the drug use review (DUR) activities to include reference to prior authorization requirements adding subsection (1)(a)(iv) and (2)(c) and include the activities of prescribing practitioners in addition to dispensing pharmacies in subsection (2) and (2)(b). The agency is also revising subsection (1)(b) to update language in accordance with the Support Act including prescribing billing practices that indicate abuse or excessive utilization.	04/04/20	Final Order		NEUTRAL	Andrew Busz Andrewb@wsha.org
2	**Apple Health Managed Care**	Health Care Authority	The purpose of these amendments is to help ensure (1) the viability of Apple Health Integrated Managed Care (IMC) plans; (2) adequate performance by the IMC plans; (3) sufficient access to care for Medicaid clients in IMC; and (4) the continued availability of an adequate network of physical and behavioral health providers in IMC plans.	04/17/20	Final Order		NEUTRAL	Andrew Busz Andrewb@wsha.org
2		Pharmacy Quality Assurance Commission	PQAC adopted emergency rule to remove Epidiolex from the list of Schedule V controlled substances.	05/20/20	Emergency Rules		NEUTRAL	David Streeter DavidS@wsha.org
2	**Physical Therapy Compact**	Board of Physical Therapy	The Board of physical therapy is proposing to update the effective date in WAC 246-915A-010 for the physical therapy compact per RCW 18.74.500, Article IX(2). This rule adopts the effective date of the compact rules to October 27, 2019.	06/19/20	Final Order		SUPPORT	David Streeter DavidS@wsha.org
3	**WAC 246-454-010--Definitions and WAC 246-454-030--Submission of budget (Hospital Financial Data and Reports)**	The Department of Health	Department of Health - WAC 246-454-010--Definitions and WAC 246-454-030--Submission of budget (Hospital Financial Data and Reports) The Department of Health adopted: (1) the repeal of WAC 246-454-030 to eliminate an outdated requirement that each hospital submit a financial report related to hospitals' annual budgets; (2) an amendment to WAC 246-454-010 to remove the definition of "budget," a term related to the section repealed; and (3) an amendment to correct a statutory reference in WAC 246-454-010; and an amendment to the introduction sentence in WAC 246-454-010 to provide clarity.	01/18/20	Final Order		SUPPORT	Andrew Busz Andrewb@wsha.org
3	**WAC 246-919-990 Physician and surgeon fees and renewal cycle and 246-918-990**	Washington Medical Commission	Washington Medical Commission. WAC 246-919-990 Physician and surgeon fees and renewal cycle and 246-918-990 Physician assistant fees and renewal cycle Increased renewal fees and late renewal penalties for allopathic physicians and allopathic physician assistants.	02/01/20	Final Order		NEUTRAL	Alicia Eyler AliciaE@wsha.org

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3	**COVID-19: Unemployment Insurance**	Employment Security Department	The rule making is proposed in order to provide support to employees and employers impacted by the COVID-19 virus across the state. These emergency rules relate to leaving work because of illness or disability (WAC 192-150-055); report and tax payment penalties and charges (WAC 192-310-030); backdating applications for unemployment benefits (WAC 192-110-095); scheduling and reporting for reemployment services (WAC 192-140-090); registering for work (WAC 192-180-005); job search reviews (WAC 192-180-025); job search directives (WAC 192-180-040); good cause for failing to respond (WAC 192-320-082); applications for standby (WAC 192-110-015); time frames for training benefits (WAC 192-270-035); certification of progress for training benefits (WAC 192-270-065); suitable work factors (WAC 192-170-050); isolation and quarantine (WAC 192-100-901); and catastrophic occurrences (WAC 192-320-078).	03/09/20	Emergency Rules		SUPPORT	David Streeter DavidS@wsha.org
3	**WAC 182-546 Nonemergency Transport**	Health Care Authority	HCA WAC 182-546 Nonemergency Transport- Revises (1) Revising the definition of “extended stay” to mean a period of time spanning 30 consecutive days, revising the definition of “short stay” to mean a period of time spanning 29 days, and adding a definition for service animal; (2) Revising section -5550 (exclusion and limitations) to include substance use disorder; (3) Revising where nonemergency transportation is not provided; (4) Clarifying that nonemergency transportation for clients in the Program of All-Inclusive Care for Elderly (PACE) program is the responsibility of the PACE contractor and is not provided through brokers; (5) Adding a requirement that brokers may not authorize payment for alcohol, cannabis, or other nonfood items; (6) Clarifying that for short stays, the cost of meals may not exceed the state per diem rate; (7) Revising the requirement that receipts for mileage, fuel, parking, bridge tolls, or ferry fees must be itemized.	03/14/20	Final Order		NEUTRAL	Andrew Busz Andrewb@wsha.org
3	**Vitamin E Acetate Ban**	Washington State Board of Health	The Washington state board of health has adopted an emergency rule to continue the ban on the sale of vapor products containing vitamin E acetate. This applies to the sale, offer for sale, or possession with intent to sell or offer for sale vapor products containing vitamin E acetate at any location or by means including by telephone or other method of voice transmission, the mail or any other delivery service or the internet or other online service.	03/20/20	Final Order		SUPPORT	David Streeter DavidS@wsha.org

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3	**COVID-19: Electronic Document Filing**	Department of Health	This emergency rule amends the procedural rules applicable to adjudicative proceedings conducted by the Department of Health and health professions boards and commissions in order to facilitate filing and serving documents during the restrictions put in place by the governor in response to the pandemic.	03/30/20	Final Order		SUPPORT	David Streeter DavidS@wsha.org
3	**WAC 192-800-150 Can an employee designate a representative to act on their behalf?**	Employment Security Department	The amended rule provides guidance regarding who may file an initial application and weekly claims on behalf of a deceased employee. The rule also clarifies that the application and/or claim filed by specified parties may be filed up to and including the week in which the employee died.	06/14/20	Final Order		NEUTRAL	David Streeter DavidS@wsha.org
3	**WAC 192-630-015 How will a determination be made about an employee's eligibility for benefits?**	Employment Security Department	This rule amendment will provide guidance to interested parties regarding the notification they will receive when the department makes a determination on an employee's initial application for benefits.	06/14/20	Final Order		NEUTRAL	David Streeter DavidS@wsha.org
3	**Adverse Notifications**	Office of the Insurance Commissioner	Intended to increase consumer awareness of available agency assistance and to help consumers with their insurance questions by requiring contact information for the Office of the Insurance Commissioner on adverse notifications.	08/01/20	Final Order	Proposed rule language:	SUPPORT	Shirley Prasad ShirleyP@wsha.org
4	**Reference Updates for Washington Medical Commission**	Washington Medical Commission	The Washington medical commission (commission) is adopting amendments to these sections of rule to change all references to medical quality assurance commission to Washington medical commission in accordance with SB 5764 (chapter 55, Laws of 2019).	04/25/20	Final Order		SUPPORT	David Streeter DavidS@wsha.org