



WSHA Top Priority State Rule Making


PRIORITY	RULE	AGENCY	DESCRIPTION	EFFECTIVE DATE	FINAL ORDER	EXTRA MATERIALS	WSHA CONTACT
1	Retired Active Pharmacist License Status	Pharmacy Quality Assurance Commission	On March 26, 2020, Governor Inslee signed Proclamation 20-32 to help increase the number of health care workers available to meet the needs of patients during the coronavirus disease 2019 (COVID-19) pandemic. This proclamation included a provision that allows a pharmacist with a retired active pharmacist license status to practice pharmacy. Specifically, the proclamation amended WAC 246-863-080(2) to allow holders of a retired active pharmacist license status to practice pharmacy while the proclamation remains in effect. However, the pharmacy quality assurance commission (commission) recently updated and consolidated all rules under its authority into one new chapter (chapter 246-945 WAC). In this rewrite process the requirements from WAC 246-863-080 and the retired active pharmacist license status no longer exist. Beginning July 1, 2020, chapter 246-945 WAC took effect and the commission no longer enforces WAC 246-863-080. This emergency rule matches the intent of the governor's proclamation by reinstating a retired active pharmacist license status allowing retired pharmacists to practice pharmacy during emergent or intermittent circumstances and assist with the COVID-19 response. This emergency rule also reinstates the process for applying for a retired active pharmacist license and establishes the criteria for returning to active status.	02/01/21	Emergency Rule		David Streefer DavidS@wsha.org
1	Psychiatric Per Diem Rates	Health Care Authority	This rule is being amended to increase psychiatric per diem rates for community hospitals that serve patients in long-term inpatient psychiatric care. During the course of this review, the agency may identify additional related changes that are required in order to improve clarity or update policy.	02/06/21	Final Order		Andrew Busz Andrewb@wsha.org
1	Emergency Rule: COVID-19 Test Reporting	Department of Health	DOH is adopting an emergency rule to amend WAC 246-338-026 mandating reporting of test results intended to detect SARS-CoV-2 or diagnose a possible case of the coronavirus disease 2019 (COVID-19) in alignment with the federal changes published in 85 F.R. 54820. WAC 246-338-020 is amended to add language referencing the new subsection in WAC 246-338-026. These changes will allow the new reporting, inspection, and fining processes in compliance with the new federal requirements which will ensure the current Clinical Laboratory Improvement Amendments (CLIA) exempt status is not threatened and will respond to the current public health emergency created by the COVID-19 pandemic.	02/12/21	Emergency Rule		David Streefer DavidS@wsha.org
1	Residential Long Term Care Services Training	Department of Social and Health Services	The department is considering adding new sections to chapter 388-112A WAC, in response to the passage of SB [SSB] 5630 passed in 2013, in which the department shall examine whether additional specialty training categories should be created for adult family homes serving residents with other special needs, such as traumatic brain injury, skilled nursing, or bariatric care.	02/28/21	Final Order		Zosia Stanley zosias@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.	03/04/21	Emergency Rule		Andrew Busz Andrewb@wsha.org



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1	COVID 19: Schedule II Prescriptions	Pharmacy Quality Assurance Commission	The Pharmacy Quality Assurance Commission adopted emergency rules to reduce burdens on patients and practitioners when prescribing Schedule II substances during the COVID-19 pandemic. The emergency rule amends WAC 246-945-010 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. The emergency rule also redefines what is a "signed prescription." These emergency rules have already been in effect on WAC 246-887-020, but were refiled to correspond to the new chapter recently adopted by the commission.	03/05/21	Emergency Rule		David Streeter
1	Repealing Old Pharmacy WAC's	Pharmacy Quality Assurance Commission	The proposal repeals the chapters of rules relating to pharmacy that were replaced by chapter 246- 945 WAC	03/18/21	Final Order		David Streeter DavidS@wsha.org
1	Emergency Rule: COVID-19 Notifiable Condition	Washington State Board of Health	The Washington state board of health has adopted a second emergency rule to continue to designate COVID-19 as a notifiable condition and extends reporting requirements for health care providers, health care facilities, laboratories, and local health jurisdictions to report race, ethnicity, and other demographic data for cases of COVID-19. The rule establishes what testing and demographic data need to be reported as well as the timing and mechanism of reporting. The rule allows for certain waivers by a local health officer. This emergency rule will continue to require specific data elements to be reported with COVID-19 test results. This rule is more closely aligned with United States Department of Health and Human Services (HHS) laboratory data reporting guidance and reflects reporting requirements that can more reasonably be collected through the current public health reporting structure. The existing emergency rule incorporates HHS guidance and also requires reporting of additional data beyond what is included in guidance, including components such as the patient's race and ethnicity using disaggregated reporting categories, the patient's primary language and emergency contact phone number, and responses to "ask on order entry" questions. This emergency rule will take effect upon the expiration of the existing emergency rule.	03/26/21	Emergency Rule		David Streeter DavidS@wsha.org
1	Emergency Rule: COVID-19 Test Reporting	Department of Health	DOH is adopting an emergency rule to amend WAC 246-338-026 mandating reporting of test results intended to detect SARS-CoV-2 or diagnose a possible case of the coronavirus disease 2019 (COVID-19) in alignment with the federal changes published in 85 F.R. 54820. WAC 246-338-020 is amended to add language referencing the new subsection in WAC 246-338-026. These changes will allow the new reporting, inspection, and fining processes in compliance with the new federal requirements which will ensure the current Clinical Laboratory Improvement Amendments (CLIA) exempt status is not threatened and will respond to the current public health emergency created by the COVID-19 pandemic. This is the third emergency rule for these amendments. It continues without changing the emergency rule that was filed on February 12, 2021, under WSR 21-05-048 and the prior filing on October 15, 2020, under WSR 20-21-062.	06/11/21	Emergency Rule		David Streeter DavidS@wsha.org


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1	Psychiatric Hospital Fees	Department of Health	The department is proposing an increase to the psychiatric hospital licensing fees. This increase is needed to recover the costs of implementing SHB 2426 (chapter 115, Laws of 2020) which amended chapters 43.70 and 71.12 RCW to enhance the department's regulatory oversight for psychiatric hospitals to protect the health, safety, and well-being of patients seeking behavioral health care in these facilities. The department also made three technical edits to match department WAC style guidelines.	07/01/21	Final Order		Andrew Busz Andrewb@wsha.org
1	Workers' Comp Third Party Administrators	Department of Labor & Industries	SHB 2409 creates a new requirement that any third-party administrators hired to manage claims for a self-insured employer must be licensed by L&I. It also requires all claims administrators managing claims for self-insured employers to be certified.	07/01/21	Final Order		David Streeter DavidS@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.	07/02/21	Emergency Rule		Andrew Busz Andrewb@wsha.org
1	COVID 19: Schedule II Prescriptions	Pharmacy Quality Assurance Commission	The Pharmacy Quality Assurance Commission adopted emergency rules to reduce burdens on patients and practitioners when prescribing Schedule II substances during the COVID-19 pandemic. The emergency rule amends WAC 246-945-010 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. The emergency rule also redefines what is a "signed prescription." These emergency rules have already been in effect on WAC 246-887-020, but were refiled to correspond to the new chapter recently adopted by the commission.	07/02/21	Emergency Rule		David Streeter
1	Workers' Compensation Self-Insurance Rules	Department of Labor & Industries	The purpose of this rule making is to update the rules for the financial qualification and maintenance of self-insurance certification, so that these rules are consistent with modern business practices.	07/23/21	Final Order	Concise Explanatory Statement	David Streeter DavidS@wsha.org
1	Emergency Rule: COVID-19 Notifiable Condition	Washington State Board of Health	The Washington state board of health has adopted a second emergency rule to continue to designate COVID-19 as a notifiable condition and extends reporting requirements for health care providers, health care facilities, laboratories, and local health jurisdictions to report race, ethnicity, and other demographic data for cases of COVID-19. The rule establishes what testing and demographic data need to be reported as well as the timing and mechanism of reporting. The rule allows for certain waivers by a local health officer. This emergency rule will continue to require specific data elements to be reported with COVID-19 test results. This rule is more closely aligned with United States Department of Health and Human Services (HHS) laboratory data reporting guidance and reflects reporting requirements that can more reasonably be collected through the current public health reporting structure. The existing emergency rule incorporates HHS guidance and also requires reporting of additional data beyond what is included in guidance, including components such as the patient's race and ethnicity using disaggregated reporting categories, the patient's primary language and emergency contact phone number, and responses to "ask on order entry" questions. This emergency rule will take effect upon the expiration of the existing emergency rule.	07/23/21	Emergency Rule		David Streeter DavidS@wsha.org



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1	Emergency Rule: COVID-19 Reporting	Washington State Board of Health	The Washington state board of health has adopted a fifth emergency rule to continue to designate novel coronavirus (SARS-CoV-2), also known as coronavirus disease 2019 (COVID-19), as a notifiable condition and extends reporting requirements for health care providers, health care facilities, laboratories, local health jurisdictions, and the department of agriculture (DOA) to report certain data with each COVID-19 test, including test results, relevant demographic details (e.g., patient's age, race, ethnicity, sex), and additional information. The rule allows for certain waivers by a local health officer. The rule establishes what testing and demographic data need to be reported as well as the timing and mechanism of reporting in accordance with P.L. 116-136, § 18115(a), the Coronavirus Aid, Relief, and Economic Security (CARES) Act. In addition to the above provisions, this emergency rule lengthens reporting time frames in which local health jurisdictions must notify the department of health (department) of COVID-19 cases, submit case investigations upon completion, and reassign cases to the department. These revisions are intended to better reflect the department's capacity to receive these data and for local health jurisdictions to transmit these data. This emergency rule will replace the current emergency rule filed as WSR 21-16-014.	08/23/21	Emergency Rule		David Streeter DavidS@wsha.org
1	Prescription Drug Monitoring Program	Health Care Authority	The agency intends to establish rules regarding provider use of the qualified prescription drug monitoring program, as required by Section 5042 of the SUPPORT for Patients and Communities Act (P.L. 115-271), prior to prescribing or dispensing scheduled drugs. During the course of this review, the agency may identify additional related changes in order to improve clarity of update policy.	10/01/21	Final Order		David Streeter DavidS@wsha.org
1	Waiver for the Electronic Prescribing Mandate- Providers with 10 or More Prescribers	Department of Health	Prescription Monitoring Program Waiver- The Department of Health is proposing a new section in chapter 246-470 WAC to establish a waiver process and criteria for facilities, entities, offices, or provider groups with ten or more prescribers to apply for an exemption from the PMP and electronic health record (EHR) integration required by Substitute Senate Bill (SSB) 5380.	10/08/21	Final Order		David Streeter DavidS@wsha.org
1	Notifiable Conditions (Ch. 246-101 WAC)	Department of Health Washington State Board of Health	Department of Health - Notifiable Conditions (Ch. 246-101 WAC) - The Department of Health (DOH) and the State Board of Health (SBOH) will consider adding notification and specimen submission requirements for "new conditions" and conditions currently identified as "other rare diseases of public health significance"; changing notification and specimen submission requirements for existing conditions; clarifying notification requirements for suspected cases; requiring electronic lab notification; revising reporting requirements for veterinarians and the Washington state department of agriculture; updating statutory references in the rules; updating references to the 2006 Security and Confidentiality Guidelines developed by the Centers for Disease Control and Prevention to the most recent publication; harmonizing definitions between WAC 246-100-011 and chapter 246-101 WAC; and improving clarity and usability. See Pre-Proposal for the list of conditions under consideration.	01/31/22	Final Order	Rulemaking page	David Streeter DavidS@wsha.org


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1	Chapter 246-341 WAC, Behavioral Health Services Administrative Requirements	Department of Health	The Department of Health is considering updating the chapter of rules for licensed and certified behavioral health agencies that will include: (1) Changes to reflect legislation; (2) changes related to federal requirements; (3) requests from partners and stakeholders for clarification, and areas of clean up that have been identified since the department began regulating behavioral health agencies in 2018.	07/01/22	Final Order		Brooke Evans BrookeE@wsha.org
2	Network Access and Notice Requirements	Office of the Insurance Commissioner	Network Access and Notice Requirements, OIC- Amend existing rules and add new sections to align with Chapter 11, Laws of 2019 (ESHB 1099), requiring additional network access standards, in addition to new notices and information being provided about networks and access.	01/11/21	Final Order		Andrew Busz Andrewb@wsha.org
2	COVID 19: Nursing Rules	Department of Health	The nursing care quality assurance commission is adopting emergency rules in response to the coronavirus disease (COVID-19). These rules apply to the specific regulatory requirements for LPNs, RNs and ARNPs. The amendments remove specific barriers that nurses face to providing care in response to COVID-19. Waiving the requirement for continuing education removes a barrier for nurses with a retired active license and will allow them to immediately begin working. Waiving the restriction that ARNPs with an inactive or expired license must complete clinical practice hours removes a barrier to rejoining the health care workforce. Allowing LPN students to practice as nursing technicians addresses the demand for more healthcare professionals in the workforce. Amending language to add clarification to the preceptor rules and simulation rules eliminates current obstacles in nursing education to address the demand for more healthcare professionals. Amending the requirements for nurse delegation to waive requirements and streamline the process will remove barriers for nurses to complete high demand duties. More health care professionals will [be] available to respond to current demands because of these changes.	01/20/21	Emergency Rule		Alicia Eyer aliciae@wsha.org
2	DDA Client Rights	Department of Social and Health Services	The developmental disabilities administration (DDA) is planning to amend these rules to implement SSHB [2SHB] 1651 (2019), which is related to the rights of clients of the DDA. During the course of this review, the department may make additional changes that are necessary to improve clarity or update policy.	02/07/21	Final Order		Zosia Stanley zosias@wsha.org
2	Emergency Rule: DDA HCBS Waiver Rule Alignment with CMS	Department of Social and Health Services	Filing these amendments on an emergency basis is necessary to ensure federal compliance and maintain federal funding for the state. This is the third filing on these sections; however, the rule text in the second filing differed from the rule text in the first filing. The rule text has changed because DDA is progressing through the permanent rule-making process and feedback from stakeholders has resulted in some changes. This third filing is necessary to keep the emergency rule in place until DDA completes the permanent rule-making process. The department filed a CR-101 Preproposal statement of inquiry as WSR 20-20-100 on October 5, 2020, to begin the permanent rule-making process. In addition, under the rule development phase of permanent rule making, DDA has been circulating the text for feedback and progressing through the permanent rule-making process.	02/24/21	Emergency Rule		Zosia Stanley zosias@wsha.org





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2	Emergency Rule: DDA HCBS Waiver Rule	Department of Social and Health Services	The department is enacting WAC 388-845-2019 on an emergency basis to make temporary modifications to DDA home and community based services (HCBS) waivers in order to control the spread of the COVID-19 virus and meet immediate health and safety needs. This is the fourth emergency filing on WAC 388-845-2019, and the language in this fourth filing is identical to that of the third emergency filed as WSR 20-22-035. However, language in this filing and the third emergency filing differs substantively from the first and second emergency filings because DDA is progressing through the permanent rule-making process and has received feedback that has resulted in changes to rule language.	02/25/21	Emergency Rule		Zosia Stanley zosiaS@wsha.org
2	Exceptions to Rule Related to Long-Term Services and Supports Programs	Health Care Authority	The agency is amending WAC 182-503-0090 to specify the department of social and health services (DSHS) administrations responsible for processing exceptions to rule related to long-term services and supports programs. The agency is also making nonsubstantive changes for consistency with other agency rules. During the course of this review, the agency may identify additional related changes that are required in order to improve clarity or update policy.	03/01/21	Final Order		Andrew Busz Andrewb@wsha.org
2	New Behavioral Health Chapter 182-110 WAC	Health Care Authority	The agency intends to develop rules to implement the requirements of SHB 2728, which requires the health care authority (HCA) to: (1) Calculate the annual costs to operate and administer the partnership lines described in SHB 2728; (2) Calculate the proportion of clients covered by the medicaid program; and (3) Collect a proportional share of program costs from entities that are not for covered lives under contract with HCA as medicaid managed care organizations. During the course of this review, the agency may identify additional related changes that are required in order to improve clarity or update policy.	03/04/21	Final Order		Brooke Evans BrookeE@wsha.org
2		Pharmacy Quality Assurance Commission	PQAC adopted emergency rule to remove Epidiolex from the list of Schedule V controlled substances.	03/05/21	Emergency Rule		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.	03/09/21	Emergency Rule		David Streeter DavidS@wsha.org
2	PA's Ordering Home Health Services	Department of Health	The purpose of the proposed amendment to WAC 246-335-510(3) is to add physician assistants to the list of practitioners authorized to order home health services and to sign plans of care. This change will expand health care facilities' ability to provide appropriate care for individuals who no longer need to be in a hospital or other health care facility, while also allowing health care facility resources to be used more effectively, facilitating the response to the public health emergency created by the coronavirus disease (COVID-19) pandemic.	03/28/21	Final Order		Alicia Eyler aliciae@wsha.org
2	Ordering of Home Health Services by nonphysician practitioners	Health Care Authority	The agency is amending WAC 182-543-0500 and WAC 182-551-2040 to allow ordering of home health services, including medical supplies, by nonphysician practitioners.	03/30/21	Emergency Rule		Alicia Eyler aliciae@wsha.org

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PRIORITY	RULE	AGENCY	DESCRIPTION	EFFECTIVE DATE	FINAL ORDER	EXTRA MATERIALS	WSHA CONTACT
2	Vital Statistics Data Release	Department of Health	The Department of Health is considering creating a new chapter of rule to: prescribe the direct and indirect identifiers for birth and fetal death records; establish a formalized procedure for requesting vital records data; and establish fees for data files, analysis, and data requests.	04/01/21	Final Order		David Streeter DavidS@wsha.org
2	Emergency Rule: Nursing Home Physician Delegation	Department of Social and Health Services	The department is extending the amendment of the rules listed below to ensure nursing homes are not significantly impeded from admitting and caring for residents during the COVID-19 outbreak. These amendments will continue to align state nursing home rules with federal rules that were suspended or amended to help facilitate care during the COVID-19 pandemic. The federal rules were amended to allow physicians to delegate tasks to a physician assistant, nurse practitioner, or clinical nurse specialist. Current state rules specify physicians must perform some tasks. The amendment will permit delegation of those tasks as long as the task is within the scope of practice of the delegate, and the delegate works under the supervision of the physician.	04/21/21	Emergency Rule		Zosia Stanley zosias@wsha.org
2	WAC 182-530-7900 Drugs purchased under the Public Health Service Act	Health Care Authority	The agency is revising this section to clarify that as part of participation in the 340B program, providers must agree, via an annual attestation form, that all claims for Washington apple health clients in both fee-for-service and managed care are subject to their respective 340B rules. The agency is amending subsection (4) to include the medicaid fee-for-service program.	05/01/21	Final Order		Andrew Busz Andrewb@wsha.org
2	Emergency Rule: WAC 388-97-0300 Notice of rights and services.	Department of Social and Health Services	The department is extending the amendment of the rule listed below to assure [ensure] nursing homes are not significantly impeded from admitting and caring for residents during the COVID-19 outbreak. These amendments will align state nursing home rules with federal rules that were suspended or amended to help facilitate care during the COVID-19 pandemic. The federal rules were amended to allow nursing facilities to provide clinical records to residents and resident representatives in ten working days instead of two working days. Current state rules specify clinical records be accessible to residents and their representatives for review within twenty-four hours and copies must be provided within two working days. The amendment lengthens the time nursing homes have to provide the resident access to, or copies of the requested clinical record from two to ten days. The amendment does not permit the nursing facility to deny the resident access to records.	05/05/21	Emergency Rule		Alicia Eyler aliciae@wsha.org Zosia Stanley zosias@wsha.org
2	CQIP for non-hospital health care entities -	The Department of Health	Department of Health - CQIP for non-hospital health care entities - Chapter 246-50 WAC, Coordinated quality improvement program (CQIP), the Department of Health will review the CQIP chapter and will consider updating the rules for clarification, streamlining, modernization, and other necessary updates for compliance with state statute.	05/21/21	Final Order		Zosia Stanley zosias@wsha.org

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PRIORITY	RULE	AGENCY	DESCRIPTION	EFFECTIVE DATE	FINAL ORDER	EXTRA MATERIALS	WSHA CONTACT
2	Emergency Rule: DDA HCBS Waiver	Department of Social and Health Services	The department is enacting WAC 388-845-2019 on an emergency basis to make temporary modifications to the developmental disabilities administration's (DDA) home and community-based services (HCBS) waivers in order to control the spread of the COVID-19 virus and to meet immediate health and safety needs. This is the fifth filing on WAC 388-845-2019; however, language in this filing differs substantively from the fourth because the Centers for Medicare and Medicaid Services (CMS) approved additional Appendix K waiver amendments. This emergency cancels and supersedes the CR-103E filed as WSR 21-06-036.	05/26/21	Emergency Rule		Zosia Stanley zosias@wsha.org
2	CMS SUD Waiver	Health Care Authority	The agency is creating a new section within this chapter to meet the Centers for Medicare and Medicaid Services (CMS) milestone requirement 3 regarding the agency's Section 1115 Substance Use Disorder (SUD) Waiver Implementation Plan. Milestone 3 requires the adoption of rules reflecting the requirement that residential treatment facilities offer medication assisted treatment access on-site or facilitate off-site access.	06/03/21	Final Order		Brooke Evans BrookeE@wsha.org
2	182-51, 182-70, and 182-526 WAC Hearings and Appeals	Health Care Authority	Revisions to these sections are necessary due to the revisions the health care authority (HCA) is making to WAC 182-526-0005 Purpose and scope, which HCA filed a CR-101 under WSR 20-11-072 on May 20, 2020. Consistency is needed between chapters 182-51, 182-70, and 182-526 WAC regarding hearings and appeals. During the course of this review, the agency may identify additional related changes that are required in order to improve clarity or update policy.	06/12/21	Final Order		Andrew Busz Andrewb@wsha.org
2	Emergency Rule: DDA HCBS Waiver Rule Alignment with CMS	Department of Social and Health Services	Filing these amendments on an emergency basis is necessary to ensure federal compliance and maintain federal funding for the state. This is the fourth filing on these sections and the text is identical to that in the third filing. (The rule text in the second filing differed from the rule text in the first filing.) This fourth filing is necessary to keep the emergency rule in place until DDA completes the permanent rule-making process. (DDA is currently at the public hearing phase of the permanent rule-making process. The public rules hearing is scheduled for July 27, 2021.)	06/23/21	Emergency Rule		Zosia Stanley zosias@wsha.org
2	Ordering Home Health Services by Non-Physician Practitioners	Health Care Authority	The agency is amending WAC 182-543-0500 and 182-551-2040 to allow ordering of home health services, including medical supplies, by certain nonphysician practitioners. During the course of this review, the agency may identify additional related changes that are required in order to improve clarity or update policy.	06/26/21	Final Order	Supplemental Notice	Alicia Eyler aliciae@wsha.org

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PRIORITY	RULE	AGENCY	DESCRIPTION	EFFECTIVE DATE	FINAL ORDER	EXTRA MATERIALS	WSHA CONTACT
2	Medicaid State Plan Amendment- Fee Schedule Effective Date Updates	Health Care Authority	<p>HCA intends to submit medicaid SPA 21-0024 to update the fee schedule effective dates for several medicaid programs and services. This is a regular, budget neutral update to keep rates and billing codes in alignment with the coding and coverage changes from the Centers for Medicare and Medicaid Services, the state, and other sources. These changes are routine and do not reflect significant changes to policy or payment. SPA 21-0024 addresses the fee schedule effective dates for the following (please note that other fee schedules may be identified for update subsequent to this notice):</p> <ul style="list-style-type: none"> •Ambulatory surgery centers. •Outpatient services. •Applied behavior analysis services. •Conversion factors. <p>SPA 21-0024 is expected to have no effect on the annual aggregate expenditures/payments for the services listed above. These changes are routine and do not reflect significant changes to policy or payment.</p>	07/01/21	Notice		Andrew Busz Andrewb@wsha.org
2	WAC 388-71-0100 What are the statutory references for WAC 388-71-0100 through 388-71-01281? through 388-71-01281 To whom does the department report a final substantiated finding against a nursing assistant employed in a nursing facility or skilled nursing facility?	Department of Social and Health Services	<p>Because adult protective services (APS) is now a separate division within the aging and long-term support administration, rules will be recodified to a new rule chapter; in response to Crosswhite v. DSHS, 389 P.3d 731, 197 Wn. App. 539 (2017), a definition of "willful" will be added; to memorialize the process, rules will be updated to include the petition process for nursing assistants; and other changes in grammar, structure, and consistency may be made.</p>	07/01/21	Final Order		Alicia Eyler aliciae@wsha.org Zosia Stanley zosiaS@wsha.org

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2	Emergency Rule: Medication Assistance	Pharmacy Quality Assurance Commission	<p>PQAC and DOH are filing jointly to reinstate medication assistance rules as permitted under chapter 69.41 RCW. Specifically, this rule establishes criteria for medication assistance in community-based and in-home care settings in accordance with chapter 69.41 RCW. The definition for medication assistance provided in RCW 69.41.010(15) states: "Medication assistance" means assistance rendered by a nonpractitioner to an individual residing in a community-based care setting or in-home care setting to facilitate the individual's self-administration of a legend drug or controlled substance. It includes reminding or coaching the individual, handing the medication container to the individual, opening the individual's medication container, using an enabler, or placing the medication in the individual's hand, and such other means of medication assistance as defined by rule adopted by the department ...</p> <p>These emergency rules provide further definitions for terms used within this definition such as "enabler" and establish those "other means of medication assistance as defined by rule adopted by the department." These rules help impacted individuals retain their independence and live in the least restrictive setting, such as their own home, longer by providing means and guidance for medication assistance. Also, with the direction provided in RCW 69.41.010(15), the rules are being filed under the joint authority of the commission and the department. The commission's new chapter 246-945 WAC became effective in July 2020. The old rules, including the former rules on medication assistance (chapter 246-888 WAC), were repealed in March 2021. The commission's repeal of chapter 246-888 WAC has resulted in unintended disruptions for medication assistance in the community-based and in-home care settings permitted under chapter 69.41 RCW. Emergency rule making is necessary to immediately restore medication assistance regulations to preserve patient</p>	07/20/21	Emergency Rule		David Streeter DavidS@wsha.org
2	TB Screening Waiver	Department of Social and Health Services	<p>The department is extending the emergency rules ... to assure [ensure] long-term care programs are not significantly impeded during the hiring process due to inability to access the tuberculosis (TB) testing required as a part of the hiring process. This will help to increase the number of long-term care workers necessary to provide essential services to some of Washington's most vulnerable adults during the outbreak of COVID-19. The situation continues that currently clinics providing TB testing are short of staff and have limited availability throughout the state. These clinics are unable to provide the TB testing required as a part of the hiring process in many long-term care programs. This circumstance is expected to exacerbate demand for long-term care workers when the pandemic has already significantly reduced the availability of long-term care workers in the state.</p>	07/21/21	Emergency Rule		Alicia Eyler aliciae@wsha.org Zosia Stanley zosiaS@wsha.org
2	Emergency Rule: Nursing Home Physician Delegation	Department of Social and Health Services	<p>The department is extending the amendment of the rules listed below to ensure nursing homes are not significantly impeded from admitting and caring for residents during the COVID-19 outbreak. These amendments will continue to align state nursing home rules with federal rules that were suspended or amended to help facilitate care during the COVID-19 pandemic. The federal rules were amended to allow physicians to delegate tasks to a physician assistant, nurse practitioner, or clinical nurse specialist. Current state rules specify physicians must perform some tasks. The amendment will permit delegation of those tasks as long as the task is within the scope of practice of the delegate, and the delegate works under the supervision of the physician.</p>	08/17/21	Emergency Rule		Zosia Stanley zosiaS@wsha.org



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2	Emergency Rule: WAC 388-97-0300 Notice of rights and services.	Department of Social and Health Services	The department is extending the amendment of the rule listed below to assure [ensure] nursing homes are not significantly impeded from admitting and caring for residents during the COVID-19 outbreak. These amendments will align state nursing home rules with federal rules that were suspended or amended to help facilitate care during the COVID-19 pandemic. The federal rules were amended to allow nursing facilities to provide clinical records to residents and resident representatives in ten working days instead of two working days. Current state rules specify clinical records be accessible to residents and their representatives for review within twenty-four hours and copies must be provided within two working days. The amendment lengthens the time nursing homes have to provide the resident access to, or copies of the requested clinical record from two to ten days. The amendment does not permit the nursing facility to deny the resident access to records.	08/31/21	Emergency Rule		Alicia Eyer aliciae@wsha.org Zosia Stanley zosias@wsha.org
2	E-Prescribing Waiver	Department of Health Pharmacy Quality Assurance Commission	Rules are necessary to allow for a waiver from compliance with the direction given by the legislature in SSB 5380, which mandates all controlled substances be electronically communicated to pharmacies beginning January 1, 2021. The bill directed the department of health (department) to develop a waiver process which a practitioner can use if they have an economic hardship, technological limitation, or other exceptional circumstance that prevents them [from] complying with the mandate.	09/11/21	Final Order		David Streeter DavidS@wsha.org
2	WAC 182-550-1700 Authorization and Utilization Review of Inpatient and Outpatient Hospital Services and 182-550-6250 Pregnancy—Enhanced Outpatient Benefits; Other Related Rules as Appropriate	Health Care Authority	HCA is amending these rules to update outdated references, terminology, and language to align with behavioral health integration. During the course of this review, HCA may identify additional related changes that are required in order to improve clarity or update policy.	09/26/21	Final Order		Andrew Busz Andrewb@wsha.org
2	Family Initiated Treatment	Health Care Authority	As required in RCW 71.34.670 for family-initiated treatment, the authority intends to adopt rules to define "appropriately trained professional person" operating within their scope of practice within Title 18 RCW for the purposes of conducting mental health and substance use disorder evaluations under RCW 71.34.600(3) and 71.34.650(1). During the course of this review, the authority may identify additional related changes that are required in order to improve clarity or update policy.	09/26/21	Final Order		Cara Helmer Carah@wsha.org



WSHA Top Priority State Rule Making

PRIORITY	RULE	AGENCY	DESCRIPTION	EFFECTIVE DATE	FINAL ORDER	EXTRA MATERIALS	WSHA CONTACT
2	Expedited Rule: Repeal of Health Care Assistant WACs	Department of Health	In support of ESSB 6237, the department is proposing repealing chapter 246-826 WAC, Health care assistants. ESSB 6237 created the medical assistant professions under chapter 18.360 RCW and repealed chapter 18.135 RCW, Health care assistants. Without the statute, the health care assistants profession rules are not enforceable and chapter 246-826 WAC must be repealed. ESSB 6237 established medical assistants as a profession to consolidate certification requirements and provide more comprehensive, versatile medical services to the public. To prevent statutory redundancy, the legislature repealed the health care assistants laws and eliminated the profession. Repealing chapter 246-826 WAC is necessary because the profession no longer exists under statutory authority meaning the rules cannot be enforced.	11/23/21	Expedited Rule		Alicia Eyer aliciae@wsha.org
2	Health Care Benefit Managers	Office of the Insurance Commissioner	Amends existing rules and adds new sections necessary to implement Chapter 240, Laws of 2020 requiring registration of health care benefit managers and related filings.	01/01/22	Final Order		Andrew Busz Andrewb@wsha.org
3	Confidential communications	Office of the Insurance Commissioner	With the passing of SB 5889, the Commissioner is considering rulemaking to update Chapter 284 WACs to unite with the new law. At this time the Commissioner is considering amending the following WACs: WAC 284-43-2000(6)(c)(i) and (ii) to address if a protected individual completes the nondisclosure form; WAC 284-43-2050(12), (13) and (20) to address if a protected individual completes the nondisclosure form; WAC 284-43-3070(1) Notice is mailed to enrollee so this also needs to be addressed; WAC 284-43-4040 Notice is mailed to the enrollee [(1) and (6)] so this needs to be addressed; WAC 284-43-7100 Need to consider the access to the protected individual's nondisclosure form in (1) and the notification in (3) when a protected individual completes the nondisclosure form; WAC 284-04-510 May need to unite this WAC with new law; WAC 284-170-421(5) amend to address when a protected individual completes the nondisclosure form.	01/02/21	Final Order	Rule Page	Cara Helmer Carah@wsha.org
3	Sales and Use Tax Exemption Update	Department of Revenue	The department is amending WAC 458-20-168 to incorporate 2020 legislation ESB 5402. The legislation codifies terms relating to sales and use tax exemptions in RCW 82.08.808, 82.12.808, 82.08.02807, and 82.12.02749.	01/09/21	Final Order		Andrew Busz Andrewb@wsha.org
3	Mitigating inequity in the health insurance market	Office of the Insurance Commissioner	Amending existing rules and add new sections necessary to implement HB 2554, chapter 283, Laws of 2020, concerning mandatory benefits, notices and fees related to mandatory benefits.	01/18/21	Final Order	Rule Page	Andrew Busz Andrewb@wsha.org
3	Percutaneous coronary intervention (PCI) Services Concurrent Review Cycles	Department of Health	The department of health (department) is adopting an emergency rule to extend deadlines for PCI services concurrent review cycle. This existing rule sets the deadlines for each step of the concurrent review process based on identified need for PCI services in Washington state. The amendments in this emergency rule are necessary due to the coronavirus disease 2019 (COVID-19) pandemic response.	01/19/21	Emergency Rule		David Streeter DavidS@wsha.org

	 Washington State Hospital Association	WSHA Top Priority State Rule Making					
PRIORITY	RULE	AGENCY	DESCRIPTION	EFFECTIVE DATE	FINAL ORDER	EXTRA MATERIALS	WSHA CONTACT
3	COVID-19: NAC/NAR Training Requirements	Department of Health	These rules apply to specific training requirements for NAC and NAR. The amendments will allow the commission to survey online classes approved by the commission, assist with demonstration of skills in a lab prior to clinical training, allow program directors to award clinical hours for NAR work, and provide instructions for documenting these work hours. More health care professionals will become available to respond to current demands because of these changes.	01/20/21	Emergency Rule		Alicia Eyler aliciae@wsha.org
3	COVID-19: NAC/NAR Training Requirements	Department of Health	These rules apply to specific training requirements for NAC and NAR. The amendments will allow the commission to survey online classes approved by the commission, assist with demonstration of skills in a lab prior to clinical training, allow program directors to award clinical hours for NAR work, and provide instructions for documenting these work hours. More health care professionals will become available to respond to current demands because of these changes.	01/20/21	Emergency Rule		Alicia Eyler aliciae@wsha.org
3	PA's Ordering Home Health Services	Department of Health	The Department of Health is adopting an emergency rule to amend WAC 246-335-510(3) to include physician assistants in the list of practitioners authorized to order home health services and to sign plans of care to match federal and state regulation changes due to the coronavirus disease (COVID-19) pandemic.	01/28/21	Emergency Rule		Alicia Eyler aliciae@wsha.org
3	PNA Allowance	Health Care Authority	The agency is amending these rules to increase the personal needs allowance from \$70.00 to \$71.12 effective January 1, 2021. Funding is approved for this increase which affects those receiving long-term services and supports in medical institutions and alternate living facilities. During the course of this review, the agency may identify additional related changes that are required in order to improve clarity or update policy.	02/06/21	Final Order		Andrew Busz Andrewb@wsha.org
3	Medicaid Client Prescription Signature	Health Care Authority	The agency intends to remove 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; other related rules as appropriate.	03/14/21	Final Order		Alicia Eyler aliciae@wsha.org
3	Emergency Rule: 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.	03/24/21	Emergency Rule		David Streeter DavidS@wsha.org
3	Chemical Dependency Professional	Health Care Authority	The agency is amending this rule to replace "Chemical Dependency Professional" with "Substance Use Disorder Professional." This change aligns with RCW 18.205.020. During the course of this review, the agency may identify additional related changes that are required in order to improve clarity or update policy.	03/27/21	Final Order		Alicia Eyler aliciae@wsha.org




WSHA Top Priority State Rule Making


PRIORITY	RULE	AGENCY	DESCRIPTION	EFFECTIVE DATE	FINAL ORDER	EXTRA MATERIALS	WSHA CONTACT
3	Medicaid State Plan Amendment- Eligibility Updates	Health Care Authority	<p>HCA intends to submit medicaid SPA 21-0022 to make the following eligibility-related changes to the medicaid state plan:</p> <p>1. HCA submitted SPA 18-0001 on July 11, 2018, to implement a pilot program designed to monitor requests for multiple reasonable opportunity periods (ROP), which are one hundred twenty days of Washington apple health medicaid coverage. An ROP is designed to give noncitizens time to provide documentation that verifies their immigration status to which they have attested at the time of application. The pilot was effective from July 1, 2018, through June 30, 2019. SPA 21-0022 will remove the pilot information from the medicaid state plan.</p> <p>2. Per recent Centers for Medicaid and Medicare guidance, HCA will add two immigration statuses that for individuals who are not considered to be lawfully present in the United States:</p> <ul style="list-style-type: none"> •Individuals granted an administrative stay of removal under 8 C.F.R. 241. •Individuals granted employment authorization under 8 C.F.R. 274a.12 (c)(35) and (c)(36), i, unless they have another qualifying status as described in this regulation. <p>HCA anticipates SPA 21-0022 will have no effect on payments/reimbursement/expenditures.</p>	04/01/21	Notice		Andrew Busz Andrewb@wsha.org
3	Pension Discount Rate for Self-Insured Employers	Department of Labor & Industries	<p>The pension discount rate (PDR) is the interest rate used to account for the time value of money when evaluating the present value of future pension payments. The purpose of this rule making is to lower the PDR for annual investment returns for the reserve funds for self-insured employers. This rule making will consider reducing the PDR from 5.9 percent to 5.8 percent for self-insurance.</p>	04/01/21	Final Order		David Streeter DavidS@wsha.org
3	Emergency Rule: LTSS Client Assets	Health Care Authority	<p>The agency is amending this section due to some clients receiving long-term services and supports who have accumulated resources under requirements described in section 6008 of the Families First Coronavirus Response Act (FFCRA) that may result in their loss of coverage when the public health emergency (PHE) ends. The proposed rules allow the client to spend down these excess resources over twelve months beginning the month following the end of the PHE. Additionally, the interim rule with comment published by the Centers for Medicare and Medicaid Services that is being codified in 42 C.F.R. 433.400 requires action on changes in circumstances for these clients, which had been prohibited under FFCRA. This emergency is necessary while the agency works through the permanent rule-making process. The agency filed the proposed rule making under WSR 21-07-122 and a virtual public hearing will be held on April 27, 2021.</p>	04/01/21	Emergency Rule		Zosia Stanley zosiaS@wsha.org




WSHA Top Priority State Rule Making

PRIORITY	RULE	AGENCY	DESCRIPTION	EFFECTIVE DATE	FINAL ORDER	EXTRA MATERIALS	WSHA CONTACT
3	Emergency Rule: Underlying Health Conditions Verification for Unemployment Insurance During a Public Health Emergency	Employment Security Department	ESSB 5061 (2021) provides, among other things, good cause to leave work when, during a public health emergency, the claimant was unable to perform their work for the employer from the claimant's home; the claimant is able and available to perform, and can actively seek, suitable work which can be performed for an employer from the claimant's home; and the claimant or another individual residing with the claimant is at higher risk of severe illness or death from the disease that is the subject of the public health emergency because the higher risk individual has an underlying health condition, verified as required by the department by rule, that is identified as a risk factor of a disease that is the subject of a public health emergency. ESSB 5061, section 10, chapter 2, Laws of 2021. ESSB 5061 (2021) also provides that during the weeks of a public health emergency, an unemployed individual may meet the availability requirements of RCW 50.20.010 (1)(c) if they are able and available to perform, and actively seeking, suitable work which can be performed for an employer from the individual's home; and if the unemployed individual or another individual residing with the unemployed individual is at higher risk of severe illness or death from the disease that is the subject of the public health emergency because the higher risk individual has an underlying condition, verified as required by the department by rule, that is identified as a risk factor for the disease that is the subject of the public health emergency. Section 8, chapter 2, Laws of 2021. The emergency rules clarify how the department will verify underlying health conditions for purposes of RCW 50.20.010 (43)(b)(ii) and 50.20.050 (2)(b)(xii)(C)(II). ESSB 5061 went into effect on February 8, 2021. In addition, the new good cause reason to quit applies to job separations that occur on or after April 4, 2021. The immediate adoption of rules is necessary so that the department can verify whether claimants are eligible for unemployment.	04/05/21	Emergency Rule		David Streeeter DavidS@wsha.org
3	Emergency Rule: Nursing Home Admissions Rules Suspensions	Department of Social and Health Services	The department is extending the amendment of the rules listed below to assure [ensure] nursing homes are not significantly impeded from admitting and caring for residents during the COVID-19 outbreak. These amendments will continue to align state nursing home rules with federal rules that are suspended or amended to help facilitate care during the COVID-19 pandemic. The federal rules were amended to remove the timelines for completing and transmitting resident assessments, and to delay the requirement by thirty days for a preadmission screening and resident review (PASRR) screening prior to admission to a nursing home. Federal rules also amended care-planning timelines, discharge and transfer notice requirements, and requirements that ensure residents can meet in groups. The rules identified below currently require a PASRR screen prior to admission, have timelines for completion of the comprehensive resident assessment and care plan, and have timelines for the transmission of the resident assessment. These rules also establish the right of residents to participate in resident groups and require specific notice and time requirements before a resident discharge or transfer can occur.	04/06/21	Emergency Rule		Zosia Stanley zosias@wsha.org

	 Washington State Hospital Association		WSHA Top Priority State Rule Making				
PRIORITY	RULE	AGENCY	DESCRIPTION	EFFECTIVE DATE	FINAL ORDER	EXTRA MATERIALS	WSHA CONTACT
3	Allopathic Physician and Physician Assistant AIDS Training Requirement	Washington Medical Commission	When Washington adopted statutes concerning AIDS, very little was known about the disease compared to today. Now, AIDS is very treatable and preventable. In 2014, Governor Inslee issued a proclamation including efforts to reduce stigma, which included updating state law. ESHB 1551 repeals statutes concerning AIDS education and training for emergency medical personnel, health professionals, and health care facility employees, which helps reduce stigma towards people living with HIV/AIDS by not singling out AIDS as an exceptional disease that requires specific training and education separate from other health conditions.	04/12/21	Final Order		Alicia Eyler aliciae@wsha.org
3	Emergency Rule: SUD Waiver Implementation-MAT	Health Care Authority	The agency is filing this emergency rule to meet the Centers for Medicare and Medicaid (CMS) milestone requirement 3 regarding the agency's Substance Use Disorder (SUD) Waiver Implementation Plan. Milestone 3 required the agency adopt rules by July 1, 2020, reflecting the requirement that residential treatment facilities offer medication assisted treatment access on-site or facilitate off-site access.	04/13/21	Emergency Rule		Brooke Evans BrookeE@wsha.org
3	Emergency Rule: Removal of Community Support Benefit Exclusion for IMD	Health Care Authority	This filing is necessary to comply with changes made by the Centers for Medicare and Medicaid Services to the foundational community supports program protocol. These changes permit implementation of supportive housing services in approved IMD facilities under Washington state's 1115 Medicaid Transformation Waiver.	04/23/21	Emergency Rule		Brooke Evans BrookeE@wsha.org
3	WAC 182-531-1675 Washington apple health—Gender affirming interventions for gender dysphoria	Health Care Authority	The agency is revising this rule to: <ul style="list-style-type: none"> •Remove the list of noncovered services and clarify that requests will be evaluated for medical necessity; •Remove barriers and unnecessary administrative processes for the client and provider; and •Streamline the authorization process. The proposed rule: <ul style="list-style-type: none"> •Provides that psychosocial evaluations shall be effective for eighteen months instead of twelve; •Allows clients to document safety concerns that have prevented them from living full time in the desired gender; and •Includes alternate requirements for clients who have not met the standard documentation requirements for surgery. Reasons Supporting Proposal: See purpose.	05/06/21	Final Order		Alicia Eyler aliciae@wsha.org
3	WAC 182-501-0135 Patient Review and Coordination	Health Care Authority	The agency is revising this section to clarify that clients who have comprehensive, private medical insurance (not casualty) are not reviewed or placed into the patient review and coordination program.	05/08/21	Final Order		Andrew Busz Andrewb@wsha.org
3	WAC 182-512-0800 SSI-related medical—General income exclusions	Health Care Authority	The agency is amending WAC 182-512-0800 to add an additional category of income excluded when determining eligibility for Washington apple health SSI-related medical programs, specifically, unearned income withheld for income tax purposes from a benefit that is beyond the person's control. During the course of this review, the agency may identify additional related changes that are required in order to improve clarity or update policy.	05/08/21	Final Order		Alicia Eyler aliciae@wsha.org


	 Washington State Hospital Association	WSHA Top Priority State Rule Making					
PRIORITY	RULE	AGENCY	DESCRIPTION	EFFECTIVE DATE	FINAL ORDER	EXTRA MATERIALS	WSHA CONTACT
3	Emergency Rule: Nursing Home Admissions Rules Suspensions	Department of Social and Health Services	The department is extending the amendment of the rules listed below to assure [ensure] nursing homes are not significantly impeded from admitting and caring for residents during the COVID-19 outbreak. These amendments will continue to align state nursing home rules with federal rules that are suspended or amended to help facilitate care during the COVID-19 pandemic. The federal rules were amended to remove the timelines for completing and transmitting resident assessments, and to delay the requirement by thirty days for a preadmission screening and resident review (PASRR) screening prior to admission to a nursing home. Federal rules also amended care-planning timelines, discharge and transfer notice requirements, and requirements that ensure residents can meet in groups. The rules identified below currently require a PASRR screen prior to admission, have timelines for completion of the comprehensive resident assessment and care plan, and have timelines for the transmission of the resident assessment. These rules also establish the right of residents to participate in resident groups and require specific notice and time requirements before a resident discharge or transfer can occur.	05/10/21	Emergency Rule		Zosia Stanley zosias@wsha.org
3	Suicide Prevention and AIDS Training	Department of Health	The Department of Health is considering amending rules to reflect legislation. ESHB 2411 (chapter 229, Laws of 2020) adds additional requirements for suicide prevention continuing education that impact mental health counselors, marriage and family therapists, and social workers. ESHB 1551 removes training requirements for AIDS training.	05/14/21	Final Order		Alicia Eyler aliciae@wsha.org
3	Emergency Rule: Percutaneous coronary intervention (PCI) Services Concurrent Review Cycles	Department of Health	The department of health (department) is adopting an emergency rule to extend deadlines for PCI services concurrent review cycle. This existing rule sets the deadlines for each step of the concurrent review process based on identified need for PCI services in Washington state. The amendments in this emergency rule are necessary due to the coronavirus disease 2019 (COVID-19) pandemic response.	05/14/21	Emergency Rule		David Streeter DavidS@wsha.org
3	Emergency Rule: LPN, RN, and ARNP Training	Nursing Care Quality Assurance Commission	NCQAC is continuing the adoption of emergency rules in response to the coronavirus disease (COVID-19). This is the fifth emergency rule for these amendments and it continues, without change, the emergency rule that was filed on January 20, 2021, under WSR 21-04-005.	05/20/21	Emergency Rule		Alicia Eyler aliciae@wsha.org
3	Emergency Rule: NAC and NAR Training	Nursing Care Quality Assurance Commission	NCQAC is continuing and amending emergency rules in response to the coronavirus disease (COVID-19) pandemic. The rules in chapter 246-841 WAC provide regulatory requirements for NAC and NAR. These amendments allow additional pathways to comply with current standards. This is the fourth emergency rule and it continues and updates the emergency rule that was filed on January 20, 2021, under WSR 21-04-004. Prior filings on October 23, 2020, under WSR 20-22-023 and June 26, 2020, under WSR 20-14-066. The new amendments are technical changes to the numbering and language removal to match changes made due to the repeal of AIDS education and training requirements.	05/20/21	Emergency Rule		Alicia Eyler aliciae@wsha.org

	 Washington State Hospital Association	WSHA Top Priority State Rule Making					
PRIORITY	RULE	AGENCY	DESCRIPTION	EFFECTIVE DATE	FINAL ORDER	EXTRA MATERIALS	WSHA CONTACT
3	Drug Data and Price Reporting	Health Care Authority	HCA is amending WAC 182-51-0600 to change the timeframe manufacturers have to report to HCA new covered drugs being introduced to market in Washington. HCA is also amending WAC 182-51-0900 to add the contents of the prescription drug pricing transparency program's nondisclosure agreement. During the course of this review, the agency may identify additional related changes that are required in order to improve clarity or update policy.	05/23/21	Final Order		Andrew Busz Andrewb@wsha.org
3	Medicaid Client Signature Requirement	Health Care Authority	HCA is revising this section to eliminate the requirement for date and signature from the medicaid client or the client's designee upon delivery of medical equipment and supplies in order to avoid contact between the client and delivery person. HCA currently has emergency rules, filed under WSR 20-23-038, striking this requirement.	05/30/21	Final Order		David Streeter DavidS@wsha.org
3	LTSS Client Assets	Health Care Authority	Some clients receiving long-term services and supports (LTSS) have accumulated resources under requirements described in section 6008 of the Families First Coronavirus Response Act (FFCRA) that may result in their loss of coverage when the public health emergency (PHE) ends. The proposed amendment allows the client to spend down these excess resources over twelve months beginning the month following the end of the PHE. Also, the interim rule with comment published by the Centers for Medicare and Medicaid Services (CMS) that is being codified in 42 C.F.R. 433.400 requires action on changes in circumstances for these clients, which had been prohibited under FFCRA.	06/03/21	Final Order		Zosia Stanley zosias@wsha.org
3	Disenrollment of Health Home Enrollees	Health Care Authority	The agency intends to conduct rule making regarding the disenrollment of health home enrollees for cause to align with agency policy. During the course of this review, the agency may identify additional related changes that are required in order to improve clarity or update policy.	06/12/21	Final Order		Andrew Busz Andrewb@wsha.org
3	Nurse Credential Requirement Amendments	Nursing Care Quality Assurance Commission	The Nursing Care Quality Assurance Commission is considering amendments to the continuing competency rules and requirements for active, inactive, expired, and retired active credential status.	06/12/21	Final Order		Alicia Eyler AliciaE@wsha.org
3	WAC 284-30-595- Health Carrier Definition	Office of the Insurance Commissioner	WSR 20-24-070 created WAC 284-30-595 to provide guidance for companies to use and apply implementation credits. Due solely [to] using of the word "insurer" in WAC 284-30-595, health care service contractors and health maintenance organizations were unintentionally excluded. This rule making will specifically define health carriers as a permissible entity within WAC 284-30-595.	06/14/21	Final Order	Rule Page	Andrew Busz Andrewb@wsha.org
3	PMP Rule Alignment with SB 5380	Department of Health	The proposal brings the rules into alignment with the statute. The proposed rules clarify that dispensers shall submit information to the PMP as soon as possible, but not later than one business day. The proposal also removes language that requires a facility or entity to be a trading partner with the state's health information exchange (HIE) in order to have access to the PMP.	06/18/21	Final Order		David Streeter DavidS@wsha.org



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PRIORITY	RULE	AGENCY	DESCRIPTION	EFFECTIVE DATE	FINAL ORDER	EXTRA MATERIALS	WSHA CONTACT
3	Medical Aid for Injured Workers Rule Update	Department of Labor & Industries	The affected rules describe elements used in the process of updating the maximum allowable payments for most professional health care services. These elements are set in rule in order to follow the established methodologies of the department of labor and industries (L&I) and maintain consistency with the health care authority and medicaid purchasing administration. Specifically, the proposed rule changes will do the following: 1. WAC 296-20-135: Update the conversion factors used by L&I for calculating reimbursement rates for most professional health care and anesthesia services. The conversion factors will be updated to correspond to changes in the medical procedure codes, the relative value units, and anesthesia base units. These changes will enable L&I to continue a reimbursement methodology consistent with other state agencies. Cost-of-living adjustments may be incorporated into the changes in the conversion factors. 2. WAC 296-23-220 and 296-23-230: Update the maximum daily reimbursement level for physical and occupational therapy services so L&I may, if necessary, give cost-of-living adjustments to affected providers.	07/01/21	Final Order		Andrew Busz Andrewb@wsha.org
3	Emergency Rule: Severe Heat Exposure	Department of Labor & Industries	L&I is adopting emergency rules to amend the current outdoor heat exposure rules under chapter 296-62 WAC, General occupational health standards; and chapter 296-307 WAC, Safety standards for agriculture, to address extreme high heat procedures.	07/13/21	Emergency Rule		David Streeter DavidS@wsha.org
3	Emergency Rule: Wildfire Smoke	Department of Labor & Industries	L&I is adopting emergency rules regarding wildfire smoke under chapter 296-62 WAC, General occupational health standards. L&I recognizes the hazard of wildfire smoke exposure is increasing every year and potentially presents serious health risks to all workers, especially those working outside in industries such as construction and agriculture. L&I has received a petition for rule making regarding wildfire smoke protections after the historic 2020 wildfires, which created unprecedented smoke conditions in the state.	07/16/21	Emergency Rule		David Streeter DavidS@wsha.org
3	Emergency Rule: COFA Medicaid Eligibility	Health Care Authority	The Consolidated Appropriations Act, 2021 was enacted on December 27, 2020, and restored medicaid funding for eligible individuals living in the United States in accordance with the Compacts of Free Association. The immediate revision of this rule is necessary to align with the act while the agency proceeds with the permanent rules process.	07/22/21	Emergency Rule		Andrew Busz Andrewb@wsha.org
3	DOH and Professional Board Adjudicative Proceedings	Department of Health	The Department of Health is considering amending the procedural rules applicable to adjudicative proceedings conducted by the department and health professions boards and commissions in order to facilitate filing and serving documents. The department is considering adding the option of e-filing documents with the department's adjudicative clerk's office (ACO) and serving documents to a party or a party's designated representative. Documents would be efiled at a particular email address at the department's ACO and parties could agree to serve documents electronically. The department will consider retaining the options of mailing hard copies to or faxing to the ACO or a party or their designated representative, but removing the requirement to mail copies at the same time as faxing them. The department is considering retaining the option to file by hand delivery.	07/23/21	Final Order		Cara Helmer Carah@wsha.org


	 Washington State Hospital Association		WSHA Top Priority State Rule Making				
PRIORITY	RULE	AGENCY	DESCRIPTION	EFFECTIVE DATE	FINAL ORDER	EXTRA MATERIALS	WSHA CONTACT
3	Chapter 182-535 WAC- Dental-related services	Health Care Authority	HCA is proposing a number of changes to Chapter 182-535- Dental-Related Services	08/01/21	Final Order		Alicia Eyler aliciae@wsha.org
3	PFML Updates: Expanded "Family Member" Definition and Pandemic Assistance Grants	Employment Security Department	E2SHB 1073 was passed into law during the 2021 legislative session. The bill provides expanded qualifying periods for those whose employment was affected by the COVID-19 pandemic and provides a small business assistance grant for employers whose employees take paid family or medical leave under the expanded qualifying periods. Rules are being considered regarding small business grant eligibility, what information is required when applying for benefits, and application backdating requirements to align with the new law.	08/01/21	Final Order	Rule Page	David Streeter DavidS@wsha.org
3	Emergency Rule: Home Health Hospice Supervision via Telemedicine	Department of Health	This emergency rule amends WAC 246-335-545 and WAC 246-335-645 to remove the requirement that supervision of aide services must be "during an on-site visit" and to add language that the supervisory visit "may be conducted on-site or via telemedicine." This rule will allow home health and hospice agencies to perform supervision either on-site or via telemedicine.	08/03/21	Emergency Rule		Alicia Eyler aliciae@wsha.org
3	Ambulance Quality Assurance Fee	Health Care Authority	Rules are necessary to provide for a quality assurance fee for specified providers of emergency ambulance to be added to the base funding from all other sources supporting additional medicaid payments to nonpublic and nonfederal providers. Additionally, a section is being added for a dedicated fund established by the treasury as the ambulance transport fund. During the course of this review, the agency may identify additional related changes that are required in order to improve clarity or update policy.	08/08/21	Final Order		Andrew Busz Andrewb@wsha.org
3	WAC 182-550 Housekeeping Updates	Health Care Authority	HCA is amending these sections to fix outdated behavioral health references and terminology, to update references to correct state agencies, and other minor housekeeping changes.	08/21/21	Final Order		Brooke Evans BrookeE@wsha.org
3	Behavioral Health License Renewal Amendments	Department of Health	DOH proposes amending two behavioral health professions under the authority of the secretary of health to implement HB 1063 (chapter 57, Laws of 2021). Proposed amendments will incorporate by reference statutes that now allow additional license renewals for licensed counselor associates and substance use disorder professional trainees. Additionally, a proposed amendment will make a housekeeping change to remove an outdated citation. The purpose of the proposed amendments is to align rules with recent statutory changes. HB 1063 created an exception to the statutory limits on associate and trainee license renewals for licensed counselors and substance use disorder professionals (SUDP). Proposed rule amendments will incorporate statutory amendments by reference.	09/06/21	Expedited Rule		Brooke Evans BrookeE@wsha.org




Washington State
Hospital Association

WSHA Top Priority State Rule Making

PRIORITY	RULE	AGENCY	DESCRIPTION	EFFECTIVE DATE	FINAL ORDER	EXTRA MATERIALS	WSHA CONTACT
3	Emergency Rule: Nursing Home Admissions Rules Suspensions	Department of Social and Health Services	The department is extending the amendment of the rules listed below to assure [ensure] nursing homes are not significantly impeded from admitting and caring for residents during the COVID-19 outbreak. These amendments will continue to align state nursing home rules with federal rules that are suspended or amended to help facilitate care during the COVID-19 pandemic. The federal rules were amended to remove the timelines for completing and transmitting resident assessments, and to delay the requirement by thirty days for a preadmission screening and resident review (PASRR) screening prior to admission to a nursing home. Federal rules also amended care-planning timelines, discharge and transfer notice requirements, and requirements that ensure residents can meet in groups. The rules identified below currently require a PASRR screen prior to admission, have timelines for completion of the comprehensive resident assessment and care plan, and have timelines for the transmission of the resident assessment. These rules also establish the right of residents to participate in resident groups and require specific notice and time requirements before a resident discharge or transfer can occur.	09/07/21	Emergency Rule		Zosia Stanley zosiaS@wsha.org
3	Long-Term Services and Supports Program Implementation: Phase 2	Employment Security Department	This begins phase 2 to implement portions of the program that are under ESD's authority. This phase includes, but is not limited to, premium collection, collective bargaining agreement exemptions, election of coverage by self-employed individuals, refunds, cadence of reporting and payments, appeals, and other rules as necessary.	09/18/21	Final Order		David Streeter DavidS@wsha.org
3	Adjudicative Proceedings	Health Care Authority	The agency is considering amending procedural rules applicable to adjudicative proceedings to permit the use of electronic means to file and serve documents and conduct and attend hearings. During this review, the health care authority may identify additional related changes that are required to improve clarity or update policy.	09/26/21	Final Order		Cara Helmer Carah@wsha.org
3	Prehearing Conferences	Health Care Authority	The agency is amending WAC 182-526-0195 to change subsection (4) to specify that the administrative law judge has discretion to grant or deny an agency request for a prehearing conference. During this review, the health care authority may identify additional related changes that are required to improve clarity or update policy.	09/27/21	Final Order		Cara Helmer Carah@wsha.org
3	L&I Outpatient Hospital Payment Policy	Department of Labor & Industries	The two rules L&I is considering amending are in conflict with each other because the underlying federal regulations by the Centers for Medicare and Medicaid Services changed on January 1, 2017, creating the conflict between the two listed rules. Amending and aligning the conflicting rules would eliminate any confusion regarding L&I's outpatient hospital payment policy.	10/01/21	Final Order		Andrew Busz Andrewb@wsha.org
3	Pharmacy Licensing Fees	Pharmacy Quality Assurance Commission	The Department of Health in consultation with the commission, is considering creating a new section in the chapter of rule to move existing licensing fees collected by the commission into the new consolidated chapter created by the commission. The department, in consultation with the commission, will also consider changes to renewal cycles, and restructuring the fees for drug researchers as requested by stakeholders during public comment of the pharmacy chapter rewrite.	12/01/21	Final Order		David Streeter DavidS@wsha.org

	 Washington State Hospital Association	WSHA Top Priority State Rule Making					
PRIORITY	RULE	AGENCY	DESCRIPTION	EFFECTIVE DATE	FINAL ORDER	EXTRA MATERIALS	WSHA CONTACT
3	Prenatal Tests - Chapter 246-680 WAC Congenital and Heritable Disorders	Washington State Board of Health	Washington State Board of Health - Prenatal Tests - Chapter 246-680 WAC Congenital and Heritable Disorders - This rule outlines prenatal screening and diagnostic tests that are considered to be medically necessary and are required to be included in benefits packages provided by insurers, health care service contractors, and health maintenance organizations.	07/01/22	Final Order	Supplemental Notice	Alicia Eyler AliciaE@wsha.org
4	Covered Generic Cough and Cold Products	Health Care Authority	The agency intends to replace the list of covered generic products for the treatment of cough and cold. Instead, the agency will cover only those products with a preferred status on the Medicaid preferred drug list (PDL) on the date a prescription is dispensed.	01/23/21	Final Order		Alicia Eyler aliciae@wsha.org
4	AIDS Training for Nurses	Nursing Care Quality Assurance Commission	Section 22(11) of ESHB 1551 repeals RCW 70.24.270 Health professionals—Rules for AIDS education and training. This repeal no longer requires health professionals to obtain AIDS education and training as a condition of licensure. As a result, the commission proposes to repeal the requirement for AIDS training in WAC 246-840-025, 246-840-030, 246-840-045, 246-840-090, 246-840-539, 246-840-541, 246-840-860, 246-840-905, 246-841-490, 246-841-578, 246-841-585, and 246-841-610.	02/02/21	Final Order		Alicia Eyler aliciae@wsha.org
4	Emergency Rule: Apple Health Eligibility	Health Care Authority	In response to the current public health emergency surrounding the outbreak of the coronavirus disease (COVID-19), along with the governor of Washington's emergency proclamations related to COVID-19, this rule making is necessary to preserve the public health, safety, and general welfare by identifying income that the health care authority (HCA) does not count when determining apple health eligibility. This emergency filing is necessary to renew the current emergency rule which is set to expire on May 29, 2021, while the permanent rule-making process proceeds. Since the previous emergency filing under WSR 20-20-075, HCA sent a draft of the rules to external stakeholders for feedback. As a result of comments received, HCA revised these emergency rules to include changing the end date of lost wage assistance to September 6, 2021, and adding the following to the items listed as income disregards: (1) Unemployment compensation received during the public health emergency for certain non-MAGI eligibility groups, (2) payments from the pandemic relief program as authorized by the governor, and (3) federal pandemic unemployment compensation authorized by the Coronavirus Aid, Relief, and Economic Security Act of 2020 and extended by the American Rescue Plan Act of 2021.	05/06/21	Emergency Rule		Alicia Eyler aliciae@wsha.org
4	Emergency Rule: ABA Age Limits	Health Care Authority	The immediate revision of these rules is necessary to comply with an order of the Thurston County Superior Court in J.C. and H.S. v. Washington State Health Care Authority, no. 20-2-01813-34. The order prohibits the agency from applying prior versions of these rules to requests for ABA therapy from individuals over twenty years of age. The current emergency filing under WSR 21-04-111, filed on February 17, 2021, is set to expire on June 1, 2021. The agency filed the CR-101 notice of intent under WSR 21-04-112 on February 17, 2021.	05/28/21	Emergency Rule		Brooke Evans BrookeE@wsha.org

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4	Long Term Services and Supports Alignment with Consolidated Appropriations Act of 2021	Health Care Authority	The agency is revising these sections as allowed in the Consolidated Appropriations Act of 2021 extension of spousal impoverishment protections and updating the time frame for institutionalization for RCL from ninety days to sixty days. During the course of this review, the agency may identify additional related changes that are required in order to improve clarity or update policy.	05/30/21	Final Order		Zosia Stanley zosiaS@wsha.org
4	Provider Fees for Search and Duplicating Health Records	Department of Health	The definition of "reasonable fee" in RCW 70.02.010 requires the fee amount to be adjusted every two years. WAC 246-08-400 referenced these adjustments by stating the specific fees that may be charged. The current rule cites RCW 70.02.010 and a specific subsection for the definition of "reasonable fee." As other amendments to the law are made the subsections may change more frequently than the requirement to adjust the fee. The proposed rule amends the language so that frequent formatting updates to the statute will no longer impact the rule. The proposed amendment continues to reference RCW 70.02.010 but no longer references the specific subsection and does not change the meaning or intent of the rule.	06/18/21	Final Order		David Streeter DavidS@wsha.org
4	Emergency Rule: Apple Health Eligibility	Health Care Authority	In response to the current public health emergency surrounding the outbreak of the coronavirus disease (COVID-19), along with the governor of Washington's emergency proclamations related to COVID-19, this rule making is necessary to preserve the public health, safety, and general welfare by identifying income that the health care authority (HCA) does not count when determining apple health eligibility. This emergency filing is necessary to renew the current emergency rule which is set to expire on May 29, 2021, while the permanent rule-making process proceeds. Since the previous emergency filing under WSR 20-20-075, HCA sent a draft of the rules to external stakeholders for feedback. As a result of comments received, HCA revised these emergency rules to include changing the end date of lost wage assistance to September 6, 2021, and adding the following to the items listed as income disregards: (1) Unemployment compensation received during the public health emergency for certain non-MAGI eligibility groups, (2) payments from the pandemic relief program as authorized by the governor, and (3) federal pandemic unemployment compensation authorized by the Coronavirus Aid, Relief, and Economic Security Act of 2020 and extended by the American Rescue Plan Act of 2021.	09/03/21	Emergency Rule		Alicia Eyler aliciae@wsha.org
4	WAC 182-60-027 Patient decision aid review advisory panel	Health Care Authority	HCA is amending WAC 182-60-027 to add patient representative to the list of panel members. Patient representatives add value to HCA's patient decision aid review advisory panels. After conducting several rounds of certification and recertification, HCA has determined that two years is too short of a time frame between the initial certification of a patient decision aid and its recertification. Therefore, HCA is amending WAC 182-60-040 to change the length of time for certification of patient decision aids from two years to four years. During the course of this review, the agency may identify additional related changes that are required in order to improve clarity or update policy.	09/26/21	Final Order		Cara Helmer Carah@wsha.org



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PRIORITY	RULE	AGENCY	DESCRIPTION	EFFECTIVE DATE	FINAL ORDER	EXTRA MATERIALS	WSHA CONTACT
	Emergency Rule: Nursing Home TB Screening	Department of Social and Health Services	The department is amending the rules listed below to assure nursing homes are not obstructed from offering the COVID-19 vaccine to residents and staff because of clinical interference from required tuberculosis (TB) testing. Current state rules specify that nursing homes administer TB testing to residents and staff within three days of employment or admission, unless the person is excluded from testing under the rules. The amendment permits the nursing home to defer TB testing if the person is in the process of receiving the COVID-19 vaccine, or if receiving the vaccine is of greater benefit and less risk than performing TB testing before administering the vaccine. The amendment does not permit the nursing facility to defer TB testing for reasons other than the COVID-19 vaccine, and requires the nursing home to complete the TB testing as soon as the COVID-19 vaccine recommendations permit. The rules also require screening for signs and symptoms of TB for those persons who are deferring TB testing.	05/25/21	Emergency Rule		Alicia Eyer aliciae@wsha.org
4	Distance Supervision Hours for Social Workers	Department of Health	DOH is proposing a permanent rule amendment to WAC 246-809-330 to remove the limit on distance supervision hours that may be obtained by social worker associates applying for licensure, consistent with statutory amendments made by SHB 1007 (chapter 21, Laws of 2021). The purpose of the proposed amendment to WAC 246-809-330 is to align with statutory amendments to RCW 18.225.090 made by SHB 1007. Currently, both RCW 18.255.090 and WAC 246-809-330 limit the number of distance supervision hours that may be obtained to forty hours for a social worker associate-advanced and sixty hours for a social worker associate-independent clinical. Statutory amendments effective July 24, 2021, will remove the limits on distance supervision hours, creating a conflict with WAC 246-809-330. Amending WAC 246-809-330 through expedited rule making to remove limits on distance supervision hours will align the regulation with the statute.	09/06/21	Expedited Rule		Brooke Evans BrookeE@wsha.org
4	Emergency Rule: Nursing Home TB Screening	Department of Social and Health Services	The department is amending the rules listed below to assure nursing homes are not obstructed from offering the COVID-19 vaccine to residents and staff because of clinical interference from required tuberculosis (TB) testing. Current state rules specify that nursing homes administer TB testing to residents and staff within three days of employment or admission, unless the person is excluded from testing under the rules. The amendment permits the nursing home to defer TB testing if the person is in the process of receiving the COVID-19 vaccine, or if receiving the vaccine is of greater benefit and less risk than performing TB testing before administering the vaccine. The amendment does not permit the nursing facility to defer TB testing for reasons other than the COVID-19 vaccine, and requires the nursing home to complete the TB testing as soon as the COVID-19 vaccine recommendations permit. The rules also require screening for signs and symptoms of TB for those persons who are deferring TB testing.	09/14/21	Emergency Rule		Alicia Eyer aliciae@wsha.org