

2018 WSHA TOP PRIORITY STATE RULE MAKING

Priority	NAME OF RULE, AGENCY & DESCRIPTION	STATUS	ADOPTION DATE	EFFECTIVE DATE	WSHA POSITION	WSHA CONTACT
1	Charity care – The Department of Health will consider rulemaking to revise the state regulations pertaining to charity care (WAC 246-453) to comply with legislation passed in 2018.	Pre-proposal	N/A	N/A	CONCERNS	Zosia Stanley zosias@wsha.org
1	Prescribing Opioids by Allopathic Physicians and Physicians' Assistances - The Department of Health (DOH), Medical Quality Assurance Commission, is considering adopting and amending sections of rule to establish requirements for prescribing opioid drugs by allopathic physicians and physician assistants as directed by ESHB 1427. The commission will also consider amending the current pain management rules to be consistent with the new opioid prescribing rules.	Proposal	August 22, 2018	January 1, 2019, per MQAC	SUPPORT WITH CONCERNS	Ian Corbridge ianc@wsha.org
1	Prescribing Opioids by Dentists - The Department of Health (DOH), The Dental Quality Assurance Commission (commission) proposes new sections and changes to existing rule that will establish requirements and standards for prescribing opioid drugs by dentists consistent with the directives of Engrossed Substitute House Bill (ESHB) 1427.	Proposal	Intended: December 7, 2018	N/A	MONITOR	Ian Corbridge ianc@wsha.org
1	Emergency Medical Services (EMS) and Trauma Care Systems - WAC 246-976 - Department of Health The Department of Health (DOH) is updating EMD sections to align with national standards and respond to legislative requirements by: (1) considering updates to align with current national standards; (2) making regulations more clear and concise; (3) responding to statutory requirements; and (4) streamlining initial and renewal application processes for prehospital services licenses and EMS provider certification. ((Ch. 246-976 WAC))	Pre-proposal	N/A	N/A	MONITOR	Ian Corbridge ianc@wsha.org
1	Pharmacy Re-Write Project: Operational Standards - As part of its general re-write project, The Department of Health (DOH), Pharmacy Quality Assurance Commission, is considering revising rules around operational standards for facilities under the Commission's jurisdiction and is considering reorganizing these standards into a new chapter or chapters to address any changes identified as needed. (WAC 246-xxx)	Pre-Proposal	N/A	N/A	SUPPORT	Ian Corbridge ianc@wsha.org
1	Pharmacy Re-Write Project: Regulatory Framework - As part of its general re-write project, the Department of Health (DOH), Pharmacy Quality Assurance Commission, is reexamining and modernizing the standards around its regulatory framework or other general provisions applicable to the pharmacy practice as part of an overhaul of all the outdated rules. The rules require modernization to better align with current pharmacy practice, trends and industry standards. (WAC 246-xxx)	Pre-proposal	N/A	N/A	SUPPORT	Ian Corbridge ianc@wsha.org
1	Tax Exemption Standards and Requirements for Nonprofit Hospitals (WACs 458-16-210 and -260) - The Washington State Department of Revenue is amending rules -210 and -260 to clarify property tax exemption standards and requirements for non-profit organizations organized and conducted for nonsectarian purposes and nonprofit child day care centers, free libraries, orphanages, homes for sick or infirm, hospitals, outpatient dialysis facilities.	Proposal	4th quarter 2018	N/A	SUPPORT WSHA commented	Andrew Busz andrewb@wsha.org
1	Inpatient Psychiatric Services - The Health Care Authority (HCA) is proposing Medicaid plan changes to update and clarify policy regarding authorization of inpatient behavioral health services. (WAC 182-550-2600). The HCA has advised WSHA this rulemaking is on hold for the time being.	Pre-proposal	N/A	N/A	MONITOR	Andrew Busz andrewb@wsha.org
1	Hospital Pharmacy Associated Clinics - The Department of Health (DOH), Pharmacy Quality Assurance Commission, is establishing standards supporting the regulatory, 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. (SSB 6558 - (2016) (Ch. 246-873A WAC)) This rulemaking effort is in direct response to legislation WSHA advanced in the 2017 legislative session.	Pre-Proposal	N/A	Emergency rule effective April 3, 2018	SUPPORT	Ian Corbridge ianc@wsha.org
1	Collaborative Care - The Health Care Authority (HCA) is creating rules for coverage of a new model of care called Collaborative Care, which is part of the integration of mental health and physical health. (WAC 182-531-0425)	Pre-Proposal Emergency	N/A	Emergency rule effective: 7/20/18-11/17/18	MONITOR	Shirley Prasad shirleyp@wsha.org

2	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.	Pre-proposal	N/A	N/A	MONITOR	Ian Corbridge ianc@wsha.org
2	Licensure for Mental Health counselors, Marriage and Family Therapists, and Social Workers (Ch. 246-809 WAC) - The Department of Health (DOH) is considering developing new and revised requirements related to supervision of associates and the approved supervisor requirements in order to better prepare associates for independent licensure. In addition, the department is considering amending the recordkeeping, education, and continuing education requirements to strengthen the requirements and align them with current trends in practice. The department will also consider making clarifications and technical changes in other licensing standards, as needed.	Pre-proposal	N/A	N/A	MONITOR	Ian Corbridge ianc@wsha.org
2	Pharmacist to Pharmacy Technician Ratio (WAC 246-901-130) - The Department of Health (DOH), Pharmacy Quality Assurance Commission, is proposing policy changes to eliminate or reduce the current ratio requirements of 1-pharmacist to 3-pharmacy technicians.	Amending language, pending proposal	N/A	N/A	SUPPORT	Ian Corbridge ianc@wsha.org
2	Reimbursement of Health Care Services from a Community Assistance Referral and Education Services Program E2SHB 1358 - (2017) (WACs 182-546-0200, -0250, -0400, -0500, -0700) - The Health Care Authority (HCA) is initiating rule making necessary to implement E2SHB 1358 which directs the agency to adopt standards for the reimbursement of health care services provided to eligible clients by fire departments pursuant to a community assistance referral and education services program under RCW 35.21.930. The standards must allow payment for covered health care services provided to individuals whose medical needs do not require ambulance transport to an emergency department.	Pre-proposal	N/A	N/A	CONCERNS	Ian Corbridge ianc@wsha.org
2	Blood Establishments (Ch. 246-339 WAC) - The Department of Health (DOH) is considering amendments to certain provisions of the chapter regarding the department's registration requirements for blood establishments that except hospitals from providing proof of a Federal Drug Administration license. The department may amend other rules in the chapter or make grammatical corrections as needed.	Proposal	Intended: October 8, 2018	N/A	MONITOR	Zosia Stanley zosias@wsha.org
2	All Payer Claims Database - The Office of Financial Management (OFM) is proposing rule making related to the Statewide all-payer health care claims database audit program, specifically audit activities ensuring compliance with: submissions, release of data, use of data, and destruction of data.	Proposal	Not before September 15, 2018	N/A	SUPPORT	Zosia Stanley zosias@wsha.org
2	Physician-related services definitions - 182-531-0050 - Adding the definition of Medication Assisted Treatment and creating an exception to payment methodology that permits enhanced reimbursement for medication assisted treatment visits to encourage treatment of opioid use disorder	Emergency	25-Sep-18	1-Oct-18	SUPPORT	Ian Corbridge ianc@wsha.org
2	Safe Medication Return Program - The Department of Health (DOH) is creating rules as required by state law to establish a system of regulation for the safe and secure collection and disposal of unwanted medicines through a uniform drug "take-back" program. ESHB 1047 establishes a comprehensive drug take-back program that will be fully financed by the pharmaceutical industry. Rules are necessary to establish a framework for administration, oversight, and enforcement of these drug take-back programs. ESHB 1047 - (2018)	Pre-Proposal	N/A	N/A	SUPPORT WITH CONCERNS	Ian Corbridge ianc@wsha.org

2	<p>Certificate of Need Hospice Services (WAC 246-310-290) - The Department of Health (DOH) is proposing revisions of current criteria, standards, and need methodology for hospice service agencies. The proposed changes update and modernize WAC 246-310-290. The revisions more clearly describe and clarify the methodology used for projecting future need for hospice services. These projections are used in the CoN hospice services application review process. The proposed changes establish consistent, timely and efficient decision making by the department, and will result in increased patient access to affordable, quality health care, consistent with the intent of chapter 70.38 RCW. The supplemental proposal makes substantive changes to the original proposal by retaining the average daily census (ADC) of thirty-five rather than twenty-five as previously proposed. It also makes one non-substantive revision to proposed WAC 246-310-290 (12)(a)(iii) by changing the phrase "not being served" to "underserved."</p>	Proposal	Intended: July 23, 2018	N/A	MONITOR	Zosia Stanley zosias@wsha.org
2	<p>Potentially Preventable Readmissions Medicaid State Plan Amendment (SPA) 18-0026 - The Health Care Authority (HCA) intends to submit Medicaid State Plan Amendment (SPA) 18-0025 to correct an inadvertent error in SPA 18-0003 (SPA 18-0003 was approved on April 23, 2018). In SPA 18-0003, the Authority inadvertently included a requirement that all psychiatric inpatient admissions must be prior authorized. This information is being removed because it is policy-level information that should be obtained from relevant Washington Administrative Code and billing guides.</p>	Public notice dated May 16, 2018	N/A	1-Jul-18	SUPPORT	Andrew Busz andrewb@wsha.org
2	<p>Dental Managed Care Plans - FQHCs & Rural Health Services SSB 5883, Sec. 213(1)(c) - (2018) (WACs 182-548 and -549) - The Health Care Authority (HCA) is revising chapters 182-548 and 182-549 to reflect the changes being made to chapters 182-535 and 182-535A to comply with legislation in SSB 5883, Sec. 213(1)(c) regarding dental managed care plans. During the course of this review, the agency may identify additional changes that are required in order to improve clarity or update policy, such as managed care enhancement payments and managed care reconciliation process.</p>	Pre-Proposal	N/A	N/A	MONITOR	Andrew Busz andrewb@wsha.org
2	<p>Rapid Health Information Network (RHINO) Emergency Department Patient Care Information SSB 5514 - (2017) (Title 246 WAC) - The Department of Health (DOH) is considering creating new rules to implement chapter 220, Laws of 2017 (SSB 5514), Emergency department patient care information—Department of health collection—Confidentiality, by establishing reporting and data release requirements for emergency department data collection. This data collection and release process is called syndromic surveillance. As required by SSB 5514, the department will consider current and emerging national standards when developing proposed rules.</p>	Pre-Proposal	N/A	N/A	SUPPORT	Ian Corbridge ianc@wsha.org
2	<p>Revisions to EAP Exemption from the Minimum Wage Act - The Department of Labor and Industries is engaged in rulemaking of the Executive, Administrative and Professional workers ("EAP"), including outside sales and computer professionals, rules. The proposed changes would increase the minimum salary threshold for these workers, and generally narrow the universe of workers who qualify for exemption. This would trigger greater overtime pay obligations. The rulemaking is in the pre-draft stage and a first pre-draft proposal is expected before the formal rulemaking proposal is released.</p>	Pre-draft proposal	N/A	N/A	CONCERNS	Jaclyn Greenberg jaclyng@wsha.org
2	<p>Single Bed Certification for LRA or Conditional Release Revocations (WAC 388-865-0526) - The Department of Social and Health Services (DSHS) is planning to amend WAC 388-865-0526 "Single Bed Certification" to clarify that an individual with a less restrictive alternative order or conditional release revocation may be granted an exception to allow timely and appropriate treatment in a facility not certified under WAC 388-865-0500 as an Evaluation and Treatment facility. The department may need to amend other related rules to improve clarity or update policy.</p>	Pre-proposal Emergency Adoption	N/A	N/A	SUPPORT	Jaclyn Greenberg jaclyng@wsha.org
2	<p>Premium Payment Program (Ch. 182-558 WAC) - The Health Care Authority (HCA) is amending Chapter 182-558 WAC to clarify and update eligibility criteria for clients receiving premium assistance subsidies for comprehensive health insurance.</p>	Pre-Proposal	N/A	N/A	MONITOR	Andrew Busz andrewb@wsha.org
2	<p>Overpayment for Individual Providers (Ch. 388-71 WAC) - The Department of Social and Health Services (DSHS), Aging and Long-Term Support Administration is adding a new overpayment section for individual providers to chapter 388-71 WAC to define the circumstances in which an Individual Provider is subject to an overpayment, clarify the department's authority to collect an overpayment, clarify an Individual Provider's right to an administrative hearing when they receive an overpayment notice, and provide information about how an Individual Provider requests an administrative hearing related to an overpayment.</p>	Proposal	No earlier than November 28, 2018	N/A	NEUTRAL	Andrew Busz andrewb@wsha.org

2	Oral Health Pilot Program 182-535-1270 - This rulemaking is necessary to implement Substitute Senate Bill 5883 which directs the agency to develop and implement a three-year pilot program to test the effect that enhanced dental benefits for adult Medicaid clients with diabetes and pregnant Medicaid clients have on access to dental care, health outcomes, and medical care costs. The pilot program must include enhanced reimbursement rates for specific current dental terminology codes for participating providers and an increase in the allowable number of periodontal treatments to up to four per calendar year.	Proposal	Not sooner than November 7, 2018	N/A	SUPPORT	Andrew Busz andrewb@wsha.org
2	Exemptions for blood establishment registration - WAC 246-339-025 - Department of Health - Proposing to amend language to clarify which hospitals are exempt from registration requirements	Proposal	2-Oct-18	N/A	MONITOR	Zosia Stanley zosias@wsha.org
2	Fees-License, change of ownership, refund process. Proposing increased initial license and renewal fees for ambulatory surgical facilities (ASF) - WAC 246-330-199 - Department of Health - Proposing to increase initial and renewal licensing fees for ASFs to finance required inspection activities and address other financial obligations	Proposal	November 6, 2018	N/A	MONITOR	Zosia Stanley zosias@wsha.org
2	Hospital Construction Review - (WAC 246-320-500 thru 600) - Update chapter 246-320 WAC (Sections 500 through 600) with the intent of considering the 2018 version of the Facility Guidelines Institute's Guidelines for Design and Construction of Hospitals and Guidelines for Design and Construction of Outpatient Facilities.	Pre-Proposal	N/A	N/A	MONITOR	Zosia Stanley zosias@wsha.org
2	Behavioral health services and problem gambling - The Health Care Authority is considering adopting new chapter of rules regarding behavioral health services and new section under WAC 182-100-0100 for problem gambling services. An emergency rule covering the same topics is currently in effect.	Pre-Proposal	N/A	N/A	MONITOR	Jaclyn Greenberg jaclyng@wsha.org
2	Hospital Construction Review - The Department of Health (DOH) is considering amending licensing regulations to align with the 2018 federal and national construction standards, namely the Facility Guidelines Institute (FGI)'s Guidelines for Design and Construction of Hospitals and Guidelines for Design and Construction of Outpatient Facilities. According to the pre-proposal, adopting current standards would allow facilities to take advantage of newer construction methods. This change would also provide the opportunity to be consistent with widely-recognized standards that are vital to the health and safety of hospital patients and staff. A report detailing draft proposals in response to the initial draft of revisions to the WAC was recently released. (WAC 246-320-500 thru 600).	Pre-Proposal Report on Draft Proposals (10.18.18)	Intended: Spring 2019	N/A	MONITOR	Jaclyn Greenberg jaclyng@wsha.org
2	All Payer Claims Database - The Office of Financial Management (OFM) is proposing rule making related to the Statewide all-payer health care claims	Pre-Proposal	N/A	N/A	MONITOR	Shirley Prasad shirleyp@wsha.org
2	Daily Medicaid Payment Rates for CARE Tool Assessments (WAC 388-105-0005) - The Department of Social and Health Services (DSHS), Aging and Long-Term Support Administration, is planning to amend WAC 388-105-0005 - the daily medicaid payment rates for clients who have been assessed using the CARE tool and reside at an AFH or assisted living facility contracted to provide assisted living, adult residential care, or enhanced adult residential care services, and other related rules as may be required.	Proposal	N/A	N/A	MONITOR	Shirley Prasad shirleyp@wsha.org
3	Establishing pediatric transitional care facilities - The Department of Health (department) proposes to amend and add new sections to existing rules to establish licensure, construction requirements, and operational standards for pediatric transitional care facilities as directed by Substitute Senate Bill 5152 (chapter 168, laws of 2017). Pediatric transitional care facilities are an alternative to continued hospitalization, and support the infant and family's transition to care at home. According to the DOH, these rules are needed to set enforceable licensing, construction, staffing and operational requirements, and to establish the regulatory structure and specialized requirements for PTCS facilities to be licensed as an RTF.	Proposal	Intended: December 1, 2018	N/A	SUPPORT	Jaclyn Greenberg jaclyng@wsha.org
3	Licensing requirements for certified counselors or advisors - The Department of Health (department) received a rule petition asking the department to consider accepting education that may have been received outside of the bachelor's degree program as also meeting minimum education requirements for initial licensure as a certified counselor or adviser. The department has agreed to open a public discussion of this topic by filing this notice. (WAC 246-810-024)	Pre-proposal	N/A	N/A	MONITOR	Ian Corbridge ianc@wsha.org
3	Family Planning Only Program and TAKE CHARGE Program (WACs 182-532-700 to -790) - The Health Care Authority (HCA) is modifying the Family Planning Only Program and Take Charge Program sections to: (1) meet clinical standards, (2) align with current eligibility and provider enrollment policies, and (3) assure compliance with the recently approved federal extension of the Washington Family Planning Only Program (Demonstration Project) granted under the authority of section 1115(a) of the Social Security Act.	Pre-Proposal	N/A	N/A	MONITOR	Ian Corbridge ianc@wsha.org

3	Reproductive Health Services (WACs 182-531-001 to -140) - The Health Care Authority (HCA) is modifying various Reproductive health sections to meet clinical standards and align with current eligibility and provider enrollment policies.	Pre-proposal	N/A	N/A	MONITOR	Ian Corbridge ianc@wsha.org
3	Housing and Essential Needs Program ESHB 2667 - (2018) (Ch. 388-400 WAC) - The Department of Social and Health Services (DSHS), Economic Services Administration, is proposing amendments which are necessary to comply with changes mandated by ESHB 2667 (2018 legislative session). These amendments expand eligibility criteria for a referral to the Housing and Essential Needs (HEN) program and clarify the eligibility process to support this change.	Pre-proposal	N/A	N/A	MONITOR	Ian Corbridge ianc@wsha.org
3	Trauma Registry (WAC 246-976-420) - The Department of Health (DOH) is considering amendments to update rules to improve data quality, better align with trauma registry software, and remove unnecessary data elements.	Pre-proposal	N/A	N/A	MONITOR	Ian Corbridge ianc@wsha.org
3	Psychiatric physician-related services and other professional mental health services - 182-531-1400 (SB Bill 5779) - - Health Care Authority - Proposing to revise multiple Washington Apple Health rules regarding nonessential restrictions and limitations.	Pre-proposal	N/A	N/A	MONITOR	Chelene Whiteaker chelenew@wsha.org
3	Rule revising Executive, Administrative, and Professional ("EAP") - Labor & Industries - Proposing to revise the regulations exempting certain EAP workers and Outside salespersons from overtime pay.	Pre-proposal	N/A	N/A	MONITOR	Chelene Whiteaker chelenew@wsha.org
3	Subchapter II-Home Health Services - 182-551 - Medical Assistance definitions - 182-500-0075 - Health Care Authority - Revising the face-to-face encounter requirements for orders for home health services to specify documentation requirements, including mandating orders signed by physicians; and modifying the definition of home health services to include those provided in any setting where normal life activities take place (not just in homes)	Proposal	October 24, 2018	N/A	MONITOR	Zosia Stanley zosias@wsha.org
3	Durable medical equipment and related supplies, complex rehabilitation technology, prosthetics, orthotics, medical supplies and related services. - Multiple sections of Chapter 182-543 - Health Care Authority - Revising the face-to-face encounter requirements for prescribing medical supplies, equipment and appliances; replacing the definition "durable medical equipment" with "medical equipment" and removing other unnecessary definitions; repeal WAC 182-543-6000; modifying the definition of home health services to include those provided in any setting where normal life activities take place (not just in homes); providing an administrative hearing if an agency denies a requested service; clarifies coverage for certain prosthetics and orthotics that are medically necessary; prohibits reimbursement for certain medical equipment expenditures	Proposal	October 24, 2018	N/A	NEUTRAL	Andrew Busz andrewb@wsha.org
3	Home health services - (Ch. 182-551 WAC) The Health Care Authority is amending rules regarding home health services to align with federal regulations that require physicians to document the occurrence of a face-to-face encounter (including telemedicine) when ordering these services for Medicaid eligible patients. Non-physician practitioners (e.g. ARNP) may perform this encounters but only a physician may sign the order. The rules will also clarify that these services are not restricted to clients who are homebound or furnish services solely in the home, but may be accessed in settings where normal life activities take place.	Proposal	Not sooner than October 24, 2018	N/A	MONITOR	Zosia Stanley zosias@wsha.org
3	Payment related to bariatric surgery - The Health Care Authority (HCA) is submitting a rulemaking change to reflect a change in policy to allow any MBSAQIP accredited hospital to do bariatric surgery. This policy will eliminate the bariatric case rate and allow more hospitals to perform bariatric surgery and be paid via Diagnosis Related Group (DRG) (182-550-3000 Hospital services – Payment method; 182-550-3470 Hospital services – Payment method – Bariatric surgery – Per case rate; 182-550-4400 Hospital services – Services – Exempt from DRG payment; 182-550-4800 Hospital services – Hospital payment methods – State administered programs)	Pre-proposal	N/A	N/A	MONITOR	Andrew Busz andrewb@wsha.org
3	Prior Authorization Consent Forms ("Written Acknowledgement") (WAC 182-531-0200) - The Health Care Authority (HCA) is amending this WAC to remove the reference to consent forms and replace with "written acknowledgement." This amendment will align WAC 182-531-0200 with 42 CFR 441.255(c), WAC 182-531-0050, RCW 7.70.060, and RCW 7.70.065. During the course of this review, the agency may identify additional changes that are required in order to improve clarity or update policy.	Pre-proposal	N/A	N/A	NEUTRAL	Jaclyn Greenberg jaclyng@wsha.org
3	Medicare Supplement Coverage Application Requirements (WAC 182-13-040) - The Health Care Authority (HCA) will consider amendments to rules related to medicare supplement coverage application requirements for residents in WAC 182-13-040.	Proposal	Not before December 12, 2018	N/A	NEUTRAL	Andrew Busz andrewb@wsha.org
3	Palliative Service for Adults - The Health Care Authority (HCA) is amending these rules to add palliative services for adults. During the course of this review, the agency may identify additional changes that are required in order to improve clarity of update policy. (Ch. 182-551 WAC)	Pre-Proposal	N/A	N/A	MONITOR	Zosia Stanley zosias@wsha.org

3	<p>COFA Premium Payment Assistance SSB 5683 - (2018) ESSB 6032 - (2018) (Ch. 182-524 WAC) - As directed by the Legislature, the Health Care Authority (HCA) is creating rules to implement a premium assistance program for Pacific Islanders residing in Washington under a compact of free association (COFA).</p>	<p>Pre-proposal</p>	<p>N/A</p>	<p>N/A</p>	<p>SUPPORT</p>	<p>Andrew Busz andrewb@wsha.org</p>
3	<p>Federal Medicare Savings Program (WAC 182-517-0100) - The Health Care Authority (HCA) is amending these rules to create a second eligibility methodology based on household size for the qualified Medicare beneficiary program. During the course of this review, the agency may identify additional changes that are required to improve clarity or update policy.</p>	<p>Pre-proposal</p>	<p>N/A</p>	<p>N/A</p>	<p>MONITOR</p>	<p>Shirley Prasad shirleyp@wsha.org</p>