

2019 WSHA TOP PRIORITY STATE RULE MAKING

Priority	NAME OF RULE, AGENCY & DESCRIPTION	STATUS	ADOPTION DATE	EFFECTIVE DATE	WSHA POSITION	WSHA CONTACT
1	Balancing Billing - The Office of the Insurance Commissioner - The Balance Billing Protection Act establishes new requirements applicable to health carriers, hospitals, ambulatory surgical facilities, laboratories and several types of health care providers health care coverage or services in Washington state. Rules may be needed to define implementation processes and clarify terms related to several components of the new law. Such rules will facilitate implementation of the law by ensuring that all affected entities understand their rights and obligations under the law.	Pre-Proposal	N/A	N/A	MONITOR	Andrew Busz andrewb@wsaha.org
1	Hospital licensing fee increase. The Department of Health is planning to propose increases to initial and renewal licensing fees for acute care, psychiatric, and chemical dependency hospitals. Current fees do not provide sufficient funds to license, inspect, investigate, and perform other regulatory work to protect patient safety.	Issue brief Hospital fee cost	N/A	N/A	MONITOR	Andrew Busz andrewb@wsaha.org
1	Emergency Medical Services (EMS) and Trauma Care Systems - WAC 246-976 - Department of Health he 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	Lauren McDonald Laurenm@wsaha.org
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 Rulemaking activity	N/A	N/A	CONCERNS	Zosia Stanley zosias@wsaha.org
1	Behavioral health agencies - Department of Health - 246-341 - DOH is reviewing relevant regulations for inpatient mental health services to identify potential changes to address care delivery for adults on 90 and 180 day commitment orders.	Pre-Proposal	N/A	N/A	SUPPORT	Jaclyn Greenberg jaclyng@wsaha.org
1	Health Care Authority - Chapter 182-548 WAC, Federally qualified health centers; Chapter 182-549 WAC, Rural health clinics. The agency is amending these sections to clarify payment methodology and update policy for Rural Health Clinics.	Pre-proposal	N/A	N/A	MONITOR	Andrew Busz andrewb@wsaha.org
1	Chapter 246-873A WAC Hospital Pharmacy Associated Clinics. The Pharmacy Quality Assurance Commission (commission) is establishing standards supporting the regulation, inspection, and investigation of pharmacy services provided in individual practitioner offices and multi-practitioner clinics owned and operated by a hospital based on a level of risk and the type of pharmacy services provided at a particular location.	Emergency rule Pre-Proposal	N/A	Effective Nov 29, 19	SUPPORT	Lauren McDonald Laurenm@wsaha.org
1	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") exemption from the Minimum Wage Require and Labor Standards statute. The proposed changes would increase the minimum salary threshold for these non-hourly workers, and generally shrink the number of workers who qualify for exemption. This would trigger greater overtime pay obligations. This is the second pre-proposal draft. Formal rulemaking proposal is expected in January 2019.	Proposed Rule language Factsheet Q&A	N/A	N/A	CONCERNS WSHA commented on the second pre-draft proposal WSHA commented on the first pre-draft proposal	Jaclyn Greenberg jaclyng@wsaha.org

1	<p>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)</p>	<p>Pre-Proposal Draft operational standards</p>	N/A	N/A	SUPPORT	Lauren McDonald Laurenm@wsha.org
1	<p>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)</p>	<p>Pre-proposal Draft general provisions</p>	N/A	N/A	SUPPORT	Lauren McDonald Laurenm@wsha.orgg
1	<p>Pharmacy Re-Write Project: As part of its general re-write project, the Department of Health (DOH), Pharmacy Quality Assurance Commission, is considering revising its rules around licensing of pharmacies, facilities, and professionals that fall under the commission's jurisdiction. The commission will reevaluate current licensing standards, and will consider reorganizing licensing standards into a new chapter or chapters to address any changes identified as needed.</p>	<p>Pre-proposal Draft general licensing standards</p>	N/A	N/A	SUPPORT	Lauren McDonald Laurenm@wsha.org
1	<p>Pharmacy Re-Write Project: As part of its general re-write project, the Department of Health (DOH), Pharmacy Quality Assurance Commission, is considering revising its rules around professional standards for pharmacy personnel under the commission's jurisdiction and considering reorganizing these standards into a new chapter or chapters to address any changes identified as needed.</p>	<p>Pre-proposal Draft professional standards</p>	N/A	N/A	SUPPORT	Lauren McDonald Laurenm@wsha.org
1	<p>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.</p>	<p>Proposal</p>	4th quarter 2018	N/A	SUPPORT WSHA commented	Andrew Busz andrewb@wsha.org
2	<p>Office of the Insurance Commissioner - Health plan coverage of reproductive health and contraception. The purpose of this rulemaking is to update the WACs and add new sections to align with Chapter 399, Laws of 2019 (2SSB 5602) amending RCW 48.43.072 and adding sections into RCW 48.43, which discusses requirements for coverage of reproductive health care and contraception. The intention is to combine this rulemaking with existing rulemaking on the same WACs at the CR102 stage, resulting in one rule</p>	<p>Pre-proposal Stakeholder draft Related rulemaking pre-proposal Related Rulemaking Draft language</p>	N/A	N/A	MONITOR	Shirley Prasad shirleyp@wsha.org
2	<p>Health Care Authority - Maternity care and newborn delivery - WAC 182-531-0100 Scope of coverage for physician-related and health care professional services—General and administrative; WAC 182-531-1720 Tobacco cessation counseling; WAC 182-533-0400 Maternity care and newborn delivery; other related rules as appropriate</p>	<p>Pre-Proposal</p>			MONITOR	Andrew
2	<p>Office of the Insurance Commissioner - Network access and notice requirements (R2019-05) - This rule amends existing rules and adds new sections requiring additional network access standards, new notices and information about networks and access that must be provided.</p>	<p>Pre-proposal</p>	N/A	N/A	MONITOR	Andrew
2	<p>Office of the Insurance Commissioner - Association health plans (R 2019-12) - Permanent rules are needed to sustain association health plans offering coverage in Washington state that comply with federal law and to protect small employers purchasing coverage through association health plans. To accomplish this, OIC plans to develop rules related to filings for association health plans.</p>	<p>Pre-Proposal Stakeholder draft</p>	N/A	N/A	MONITOR	Andrew

2	<p>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.</p>	<p>Pre-proposal</p>	<p>N/A</p>	<p>N/A</p>	<p>MONITOR</p>	<p>Ian Corbridge ianc@wsha.org</p>
2	<p>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.</p>	<p>Amending language, pending proposal</p>	<p>26-Apr-19</p>	<p>N/A</p>	<p>SUPPORT</p>	<p>Lauren McDonald Laurenm@wsha.org</p>
2	<p>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.</p>	<p>Proposal</p>	<p>Not before August 28, 2019</p>	<p>N/A</p>	<p>CONCERNS</p>	<p>Lauren McDonald Laurenm@wsha.org</p>
2	<p>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.</p>	<p>Proposal Emergency</p>	<p>Not before April 10, 2019</p>	<p>Emergency: 1-Oct-18</p>	<p>SUPPORT</p>	<p>Andrew Busz andrewb@wsha.org</p>
2	<p>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)</p>	<p>Proposal Rule analysis</p>	<p>Not before May 22, 2019</p>	<p>N/A</p>	<p>SUPPORT WITH CONCERNS</p>	<p>Lauren McDonald Laurenm@wsha.org</p>
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>	<p>Public notice dated May 16, 2018</p>	<p>N/A</p>	<p>1-Jul-18</p>	<p>SUPPORT</p>	<p>Andrew Busz andrewb@wsha.org</p>
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.</p>	<p>Proposal</p>	<p>Not before March 27, 2019</p>	<p>N/A</p>	<p>MONITOR</p>	<p>Andrew Busz andrewb@wsha.org</p>

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>	<p>Pre-Proposal</p>	<p>N/A</p>	<p>N/A</p>	<p>SUPPORT</p>	<p>Shirley Prasad Shirleyp@wsha.org</p>
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.</p>	<p>Pre-proposal</p>	<p>N/A</p>	<p>N/A</p>	<p>SUPPORT</p>	<p>Jaclyn Greenberg jaclyng@wsha.org</p>
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>	<p>Proposal</p>	<p>No earlier than November 28, 2018</p>	<p>N/A</p>	<p>NEUTRAL</p>	<p>Andrew Busz andrewb@wsha.org</p>
2	<p>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.</p>	<p>Proposal</p>	<p>2-Oct-18</p>	<p>N/A</p>	<p>MONITOR</p>	<p>Zosia Stanley zosias@wsha.org</p>
2	<p>Behavioral health integration - Health Care Authority - This rulemaking is required to implement Engrossed Second Substitute Senate Bill 5432 which directs the agency to fully implement behavioral health integration for January 1, 2020, by: 1) removing behavioral health organizations from law; 2) clarifying the roles and responsibilities among the Health Care Authority, the Department of Social and Health Services, and the Department of Health; and 3) clarifying the roles and responsibilities of behavioral health administrative services organizations and the Medicaid managed care organizations; and 4) making technical corrections related to the behavioral health system. This rulemaking is also needed to implement Second Substitute Senate Bill 6312 concerning state purchasing of mental health and chemical dependency treatment services and the full integration of medical and behavioral health services by January 1, 2020.</p>	<p>Pre-Proposal</p>	<p>N/A</p>	<p>N/A</p>	<p>MONITOR</p>	<p>Jaclyn Greenberg jaclyng@wsha.org</p>
2	<p>Behavioral health services and problem gambling -Health Care Authority - 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. This rulemaking is required to comply with the requirements in 2ESHB 1388 which changed the designation of the state Behavioral Health Authority from the Department of Social and Health Services to the Health Care Authority, effective July 1, 2018. The Health Care Authority filed emergency rules under WSR 18-14-027 to transfer the rules from DSHS to HCA.</p>	<p>Pre-Proposal</p>	<p>N/A</p>	<p>N/A</p>	<p>MONITOR</p>	<p>Jaclyn Greenberg jaclyng@wsha.org</p>
2	<p>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).</p>	<p>Pre-Proposal</p> <p>Report on Draft Proposals (10.18.18)</p>	<p>Intended: Spring 2019</p>	<p>N/A</p>	<p>MONITOR</p>	<p>Jaclyn Greenberg jaclyng@wsha.org</p>

2	<p>Fee structure for radiation machine facilities - The Department of Health is proposing a revision to the fee structure for registering selective radiation machine facilities, namely removing the flat fee structure, and making other housekeeping and technical corrections. With this change, all registrants will pay for their respective cost of the regulatory program. (246-224 WAC)</p>	<p>Proposal</p>	<p>Intended: Dec 11, 2018</p>	<p>N/A</p>	<p>NEUTRAL</p>	<p>Andrew Busz andrewb@wsha.org</p>
2	<p>L&I RULE - chapter 296-27 WAC, Recording and reporting. Once the new rule is effective, it will require certain employers (depending on size and industry type) to annually submit electronic injury and illness records to OSHA that they are already required to keep under the recordkeeping regulations.</p> <p>To ensure the completeness and accuracy of injury and illness data collected by employers and reported to OSHA, when the rule is effective it will also:</p> <ul style="list-style-type: none"> Require employers to establish reasonable procedures for employees to report occupational injuries and illness Require employers to inform employees of their right to report work-related injuries and illnesses free from retaliation; <p>Incorporate the existing statutory prohibition on retaliating against employees for reporting work-related injuries or illnesses.</p>	<p>Draft language</p> <p>Proposal</p> <p>Rulemaking info</p>	<p>20-Aug-19</p>	<p>N/A</p>	<p>NEUTRAL</p>	<p>Eric Gutzwiler ericg@wsha.org</p>
2	<p>Department of Social and Health Services - Aging and Long-Term Supports. The department is proposing amending sections of and adding new sections to Chapter 388-76 of the Washington Administrative Code (WAC), relating to Aging and Long-Term supports. The department is proposing to create new WAC sections in chapter 388-76 WAC "Adult Family Home Minimum Licensing Requirements" on requirements for notifying the department of information changes and creating a succession plan. It also amending several other WACs.</p>	<p>Proposal</p>	<p>Not before July 10, 2019</p>	<p>N/A</p>	<p>SUPPORT</p>	<p>Zosia Stanley zosias@wsha.org</p>
2	<p>Office of the Insurance Commissioner -Implementation of SHB 1870 – Federal Patient Protection and Affordable Care Act – State Law - SHB 1870 (Chapter 33, Laws of 2019) codifies several provisions of the Affordable Care Act into state law. Some provisions of SHB 1870 authorize OIC to engage in rulemaking necessary to implement the provisions of the legislation. Existing rules may need to be amended to be consistent with SHB 1870, and new rules may be required. Such rules will facilitate implementation of the law by ensuring that all affected entities understand their rights and obligations under the new law.</p>	<p>Pre-proposal</p>	<p>N/A</p>	<p>N/A</p>	<p>MONITOR</p>	<p>Shirley Prasad shirleyp@wsha.org</p>
2	<p>Office of the Insurance Commissioner - Medicare Access and CHIP Reauthorization - Amend existing rules to conform to changes in federal law to medicare supplemental policies by MACRA of 2015 and chapter 38, Laws of 2019. MACRA of 2015 and chapter 38, Laws of 2019 (SB 5032) made changes to the requirements for medicare supplemental plans. This proposed rule is needed to amend existing rules to comply with these changes.</p>	<p>Expedited</p>			<p>MONITOR</p>	<p>Shirley Prasad shirleyp@wsha.org</p>
2	<p>WAC 182-503-0050 Verification of eligibility factors; New WAC 182-503-0055 Asset Verification System; WAC 182-503-0080 Washington apple health – Application denials and withdrawals; other related rules as appropriate. As required by 42 U.S.C. 1396w, the agency is creating a new WAC to create an asset verification program to determine or redetermine the eligibility of an individual for Apple Health.</p>	<p>Proposal</p>	<p>Not before August 28, 2019</p>		<p>MONITOR</p>	<p>Shirley Prasad shirleyp@wsha.org</p>
2	<p>Health Care Authority - Chapter 182-502A WAC Program integrity; other related rules as appropriate - The agency is updating the rules for program integrity activities related to managed care to align with federal rules. As part of this rulemaking, the agency intends to repeal WAC 182-538A-160 and replace it with revisions to Chapter 182-502A.</p>	<p>Second pre-proposal</p> <p>Pre-proposal</p>	<p>N/A</p>	<p>N/A</p>	<p>MONITOR/CONCERNS</p>	<p>Shirley Prasad shirleyp@wsha.org</p>
2	<p>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.</p>	<p>Pre-proposal</p> <p>RHINO rulemaking website</p>	<p>N/A</p>	<p>N/A</p>	<p>MONITOR/SUPPORT</p>	<p>Shirley Prasad shirleyp@wsha.org</p>
2	<p>Office of the Insurance Commissioner - Health plan coverage of reproductive health and contraception. The purpose of this rulemaking is to update the WACs and add new sections to align with Chapter 399, Laws of 2019 (2SSB 5602) amending RCW 48.43.072 and adding sections into RCW 48.43, which discusses requirements for coverage of reproductive health care and contraception. The intention is to combine this rulemaking with existing rulemaking on the same WACs at the CR102 stage, resulting in one rule.</p>	<p>Pre-proposal</p> <p>Stakeholder draft</p> <p>Related rulemaking pre-proposal</p> <p>Related Rulemaking Draft language</p>	<p>N/A</p>	<p>N/A</p>	<p>MONITOR</p>	<p>Shirley Prasad shirleyp@wsha.org</p>

3	<p>Department of Health - Vital Statistics - DOH is adopting new rules and amending existing rules to comply with the requirements of SSB 5332 (2019), which addresses vital records and vital records data. The rules may identify the information displayed on certification of birth, certification of death, short form certification of death, and informational copy of birth and death records, including allowing a nonbinary sex designation option to be added to a death certificate. The rules may also establish a formalized procedure including documentation required to obtain certifications and informational copies of birth and death records, adopt fees associated with the issuance of certifications and informational copies, make technical updates to statutory references as necessary, and repeal several obsolete sections.</p>	<p>Pre-Proposal</p>	N/A	N/A	MONITOR	Zosia
3	<p>Health Care Authority - Reproductive Health Services - The agency 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. The agency is modifying the Reproductive Health sections to meet clinical standards and align with current eligibility and provider enrollment policies.</p>	<p>Crosswalk - Reproductive Health</p>	Not before August 7, 2019		NEUTRAL	Andrew
3	<p>Office of the Insurance Commissioner - Adverse Notifications - To increase consumer awareness of available agency assistance and to help consumers with their insurance questions by requiring contact information for the Office of the Insurance Commissioner on adverse notifications.</p>	<p>Proposal Proposal</p> <p>Proposed rule language</p>	N/A	N/A	MONITOR	Shirley Prasad shirleyp@wsha.org
3	<p>Washington medical commission - amending the chapter and modernizing rules. Several sections within chapter 246-919 WAC have not been updated since 1996. Since then, several changes have occurred that may require rule revisions. The commission is considering updating rules to more closely align with current industry standards and provide clearer rules language for licensed allopathic physicians.</p>	<p>Pre-Proposal</p> <p>rules workshop packet</p>			MONITOR	Lauren McDonald Laurenm@wsha.org
3	<p>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.</p>	<p>Pre-Proposal</p> <p>Proposal</p>	8/14/2019		SUPPORT	Lauren McDonald Laurenm@wsha.org
3	<p>Newborn Screening - The Department of Health - Chapter 246-650 WAC, Newborn Screening. The Washington State Board of Health (Board) is proposing to amend the newborn screening (NBS) rules to add Pompe disease and Mucopolysaccharidosis type I (MPS I) to the list of mandatory conditions for newborn screening conducted by the Department of Health; create a new section outlining critical congenital heart disease screening requirements to align with RCW 70.83.090; and to improve clarity and usability of the rule.</p>	<p>Proposal</p>	14-Aug-19		SUPPORT	Lauren McDonald Laurenm@wsha.org
3	<p>Health Care Authority - 182-552-140 - Respiratory care—Reimbursement— General; 182-552-1600, Respiratory care equipment and supplies —Reimbursement—Methodology for purchase, rental, and repair; other related rules as appropriate. The agency is amending these rules to align with section 503 of the Consolidated Appropriations Act, 2016 and section 5002 of the 21st Century Cures Act of 2016, which added section 1903(i)(27) to the Social Security Act.</p>	<p>Proposal</p>	Not before August 7, 2019		NEUTRAL	Andrew Busz andrewb@wsha.org

3	<p>Health Care Authority - Wraparound and Intensive Services (WISe) - The Health Care Authority (HCA) is considering adopting rules in Chapter 182-501 WAC regarding Wraparound and Intensive Services (WISe), requiring the use of the WISe Quality Plan; and other related rules as appropriate.</p>	Pre-proposal	N/A	N/A	MONITOR	Jaclyn Greenberg jaclyng@wsha.org
3	<p>Office of the Insurance Commissioner - Confidential communications - 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.</p>	<p>Pre-proposal stakeholder meeting notice</p> <p>(Stakeholder meeting scheduled July 18, 2019)</p>	N/A	N/A	NEUTRAL	Jaclyn Greenberg jaclyng@wsha.org
3	<p>Health Care Authority - 182-543-0500 General; 182-543-2000 Eligible providers and provider requirements; 182-543-5700 Medical equipment for clients in skilled nursing facilities; other related rules as appropriate. - The agency is amending these sections to clarify the requirements for qualified health care providers.</p>	Pre-Proposal	N/A	N/A	MONITOR	Andrew Busz andrewb@wsha.org
3	<p>Health Care Authority - 182-552-140 - Respiratory care—Reimbursement—General; 182-552-1600, Respiratory care equipment and supplies— Reimbursement—Methodology for purchase, rental, and repair; other related rules as appropriate. The agency is amending these rules to align with section 503 of the Consolidated Appropriations Act, 2016 and section 5002 of the 21st Century Cures Act of 2016, which added section 1903(i)(27) to the Social Security Act.</p>	Proposal	Not before August 7, 2019	N/A	MONITOR	Andrew Busz andrewb@wsha.org
3	<p>Department of Health - Nursing Care Quality Assurance Commission - WAC 246-840-035 Initial licensure for registered nurses. Regarding nurses who complete out-of-state nontraditional nursing education (Repeal). WAC 246-840-048 Students enrolled in a nontraditional nursing program (New). The Commission repeals WAC 246-840-035 because the legislature repealed the authorizing statute. The commission also creates a new section of rules addressing the needs of students effected by the repeal of RCW 18.79.380. Anticipated to be the last, this fifth emergency rulemaking, with the exact same rule language, replaces the fourth emergency rule filed on 11/06/2018 as WSR 18-22-114 that expires on 03/05/2019. Permanent rulemaking is nearing completion with a CR-101 filed on 02/23/2018 as WSR 18-06-009, a CR-102 filed on 11/28/2018 as WSR 18-24-049 with a public hearing on 1/11/2019, and a CR-103P progressing towards intended filing by early spring 2019.</p>	Emergency	5-Mar-19		MONITOR	Lauren McDonald Laurenm@wsha.org
3	<p>DOH - Washington Medical Commission - Several sections within chapter 246-919 WAC have not been updated since 1996. Since then, several changes have occurred that may require rule revisions. The commission is considering updating rules to more closely align with current industry standards and provide clearer rules language for licensed allopathic physicians.</p>	Pre-Proposal			MONITOR	Lauren McDonald Laurenm@wsha.org
3	<p>Health Care Authority - The agency is revising WAC 182-531-1600, Bariatric surgery, to reflect coverage changes made by the Health Technology Clinical Committee.</p>	Pre-Proposal			MONITOR	Lauren McDonald Laurenm@wsha.org
3	<p>Department of Health - WAC 246-887-134 Adding fentanyl derivatives not approved by the Food and Drug Administration (FDA), synthetic cannabinoids, synthetic cathinones, and synthetic opioids to Schedule I. The Pharmacy Quality Assurance Commission (commission) is adopting a new section of rule to add fentanyl derivatives not approved by the FDA, synthetic cannabinoids, synthetic cathinones, and synthetic opioids to Schedule 1 under the Uniform Controlled Substance Act (CSA) making it illegal to sell, possess, manufacture, or deliver chemicals or products containing these substances. This filing replaces and supersedes the emergency rule filed as WSR 18-16-098 filed on 7/31/2018, which expired on 11/29/2018. The requirements of this fifth emergency rule are the same as the requirements filed in previous emergency rule.</p>	Emergency		7-Jan-19	MONITOR	Lauren McDonald Laurenm@wsha.org
3	<p>Department of Health -WAC 246-840-111, 246-840-120, 246-840-125, and 246-840-200 through 246-840-260. 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.</p>	Pre-Proposal			MONITOR	Lauren McDonald Laurenm@wsha.org

3	<p>Department of Health - WAC 246-840-300 ARNP scope of practice and WAC 246-840-700 through WAC 246-840-710 pertaining to nursing practice standards, and other related sections in chapter 246-840 WAC.</p> <p>The Nursing Care Quality Assurance Commission (commission) is considering amending sections of the scope of practice and practice standard rules to improve clarity.</p>	Pre-Proposal			MONITOR	Lauren McDonald Laurenm@wsha.org
3	<p>Department of Health - Chapter 246-854 WAC -- Osteopathic physician assistants. The Board of Osteopathic Medicine and Surgery (board) is considering establishing two new sections of rule to: 1) describe the process for issuing an expedited temporary practice permit to an osteopathic physician assistant (PA) applicant who is a spouse or registered domestic partner of a military service member, and 2) establish return to practice requirements for an osteopathic PA who has not been in practice for a certain period of time.</p>	Pre-Proposal			MONITOR	Lauren McDonald Laurenm@wsha.org
3	<p>Washington Medical Commission. WAC 246-919-990 Physician and surgeon fees and renewal cycle and 246-918-990 Physician assistant fees and renewal cycle.</p> <p>Proposing to increase renewal fees and late renewal penalties for allopathic physicians and allopathic physician assistants.</p>	WSMA press release Proposal	17-May-19		NEUTRAL	Lauren McDonald Laurenm@wsha.org
3	<p>Nursing scope of practice standards -</p> <p>WAC 246-840-300 ARNP scope of practice and WAC 246-840-700 through 246-840-710 pertaining to nursing practice standards, and other related sections in chapter 246-840 WAC, the nursing care quality assurance commission (commission) is considering amending sections of the scope of practice and practice standard rules to improve clarity.</p>	Pre-proposal	N/A	N/A	MONITOR	Lauren McDonald Laurenm@wsha.org
3	<p>Establishing pediatric transitional care facilities -</p> <p>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.</p>	Proposal	Intended: December 1, 2018	N/A	SUPPORT	Jaclyn Greenberg jaclyng@wsha.org
3	<p>Licensing requirements for certified counselors or advisors -</p> <p>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)</p>	Pre-proposal	N/A	N/A	MONITOR	Ian Corbridge ianc@wsha.org
3	<p>Family Planning Only Program and TAKE CHARGE Program (WACs 182-532-700 to -790) -</p> <p>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.</p>	Pre-Proposal	N/A	N/A	MONITOR	Ian Corbridge ianc@wsha.org
3	<p>Reproductive Health Services (WACs 182-531-001 to -140) -</p> <p>The Health Care Authority (HCA) is modifying various Reproductive health sections to meet clinical standards and align with current eligibility and provider enrollment policies.</p>	Proposal	N/A	N/A	MONITOR	Lauren McDonald Laurenm@wsha.org
3	<p>Housing and Essential Needs Program ESHB 2667 -</p> <p>(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.</p>	Pre-proposal	N/A	N/A	MONITOR	Ian Corbridge ianc@wsha.org
3	<p>Prior Authorization Consent Forms ("Written Acknowledgement") (WAC 182-531-0200) -</p> <p>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.</p>	Pre-proposal	N/A	N/A	NEUTRAL	Jaclyn Greenberg jaclyng@wsha.org
3	<p>Medicare Supplement Coverage Application Requirements (WAC 182-13-040) -</p> <p>The Health Care Authority (HCA) will consider amendments to rules related to medicare supplement coverage application requirements for residents in WAC 182-13-040.</p>	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	Guardianship fees and related costs for long-term care for medicaid patients - WAC 388-79a-005 - The Department of Social and Health Services, Aging and Long-Term Support Administration is intending to revise this WAC to clarify that there are only 2 classes of clients with guardians, and not a third class of clients with guardians. There is a reading of the current WAC that would create this third class of people with guardians who would have no enumerated limits on fees or costs under the WAC.	Pre-Proposal	N/A	N/A	MONITOR	Zosia Stanley zosias@wsha.org
3	Radiation Protection - Radiation Machine Assembly; X-ray Facility (Chs. 246-224 and -254 WAC) - The Department of Health (DOH) is considering revising the fee structure for the registration of all X-ray radiation machines, which includes a facility base fee and a fee per tube and clarifying the definition of an "X-ray facility."	Proposal	Intended: Dec 11, 2018	N/A	NEUTRAL	Lauren McDonald laurenm@wsha.org
3	Dental Hygienists (Ch. 246-817-550) - The Dental Quality Assurance Commission (commission) is proposing rule amendments add identified tasks from WAC 246-817-520 acts that may be performed by dental assistants under close supervision to the list of allowable tasks that a dentist can delegate to dental hygienists under general supervision. This supplemental proposal removes orthodontic tasks.	Proposal	N/A	N/A	NEUTRAL	Lauren McDonald laurenm@wsha.org
3	Associated Health Plans - The federal association health plan rule allows new "Pathway 2" association health plans to file forms and rates with the Office of the Insurance Commissioner beginning September 1, 2018. There are no current state rate or form rules related to "Pathway 2" AHP filings. An emergency rule is needed to establish requirements for a rate and form filing that is unique to this new type of association health plan. This emergency rulemaking will ensure that regulations are in place in order to respond to and review "Pathway 2" association health plans filed with the Office of the Insurance Commissioner for sale in Washington state.	Emergency Rule	N/A	17-Dec-18	NEUTRAL	Shirley Prasad shirleyp@wsha.org
3	Continuing Requirements for providers - WAC 182-502-0016 - The agency is updating this section to provide notice to providers and support enforcement of compliance with state and federal requirements related to the operations of entities receiving more than \$5 million in Medicaid payments annually, including but not limited to such entities providing information about the False Claims Act and establishing written policies for employees. 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	MONITOR	Andrew Busz andrewb@wsha.org
3	Health Care Authority - WAC 182-513-1100 Definitions related to long-term services and supports (LTSS); other related rules as appropriate. The agency is revising the definition of alternate living facility (ALF) to include staffed residential facility, group care facility for medically complex children, and children's state-operated living alternative.	Pre-Proposal	N/A	N/A	MONITOR	Zosia Stanley zosias@wsha.org
3	Health Care Authority - WAC 182-513-1340 - The agency is revising this rule to clarify excluded income requirements for Long-Term Care Services by removing the reference in subsection (1)(j) to child support received from a noncustodial parent. 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	MONITOR	Andrew Busz andrewb@wsha.org
3	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.	Proposal	N/A	Not sooner than March 13, 2019	MONITOR	Shirley Prasad shirleyp@wsha.org
3	Health Care Authority - WAC 182-501-0125 Advance directives - The agency is amending this rule to update and replace references to health maintenance organizations (HMOs) with current terminology.	Pre-Proposal	N/A	N/A	MONITOR	Zosia Stanley zosias@wsha.org
3	Chapter 246-440 WAC, Health care-associated infections reporting. The Department of Health (Department) is considering amending rules on health care associated infection (HAI) reporting requirements. The Centers for Medicare and Medicaid Services (CMS) has updated its reporting requirements and established separate requirements by type of hospital rather than the generic reporting of the same requirements by all hospitals as has previously been the case in Washington State. Updated hospital reporting requirements may be needed to align with new CMS changes.	Pre-Proposal	N/A	N/A	NEUTRAL	Jaclyn Greenberg jaclyng@wsha.org
4	Health care authority - Dental managed care. The agency is striking all references to dental managed care from these sections. Eligible clients will continue to receive their dental services through fee-for-service on and after July 1, 2019.	Pre-proposal Emergency		-	MONITOR	Lauren Laurenm@wsha.org