
























WSHA'S STATE RULE MAKING - COMPLETE - 2018








PRIORITY LEVEL/RESULT	NAME OF RULE, AGENCY & DESCRIPTION	STATUS	EFFECTIVE DATE	WSHA POSITION	WSHA CONTACT
 1	Certificate of Need Hospital Services - WAC 246-330-199 - 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 nonsubstantive revision to proposed WAC 246-310-290 (12)(a)(iii) by changing the phrase "not being served" to "underserved."	Order	Oct-15-18	MONITOR	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.	Order	1-Jan-19	SUPPORT W/ CONCERNS	Ian Corbridge ianc@wsha.org
 1	Opioid Prescribing Rules - for ARNPs - The Nursing Care Quality Assurance Commission (commission) has adopted new sections and changes to existing rule that establish requirements and standards for prescribing opioid drugs by advanced registered nurse practitioners (ARNP). The adopted rules provide a necessary framework and structure for safe, consistent opioid prescribing practice consistent with the directives of Engrossed Substitute House Bill (ESHB) 1427.	Order	1-Nov-18	SUPPORT W/ CONCERNS	Ian Corbridge ianc@wsha.org
 1	Prescribing Opioids by Osteopathic Physicians and Physician Assistants (ESHB 1427) - The Department of Health (DOH), Board of Osteopathic Medicine and Surgery, is considering adopting and amending sections of rule to establish requirements for prescribing opioid drugs by osteopathic physicians and osteopathic physician assistants as directed by ESHB 1427. The board will also consider amending the current pain management rules to be consistent with the new opioid prescribing rules. (Chs. 246-853 and -854 WAC)	Order	1-Nov-18	SUPPORT W/ CONCERNS	Ian Corbridge ianc@wsha.org
 1	Enhanced Pediatric Rates - The Health Care Authority (HCA) intends to submit medicaid SPA 18-0022 regarding enhanced pediatric rates for certain services. During the 2017-2018 legislative session, the legislature passed ESSB 6032, which provides an enhanced provider payment for pediatric evaluation and management codes and vaccine administration codes. The enhanced rate is intended to maximize access to pediatric primary care services for children through eighteen years of age who receive medical assistance services via fee-for-service (FFS) and managed care. The enhanced payments are to be paid October 1, 2018, through June 30, 2019. (Medicaid State Plan Amendment (SPA) 18-0022 SB 6032 - (2018))	Order	8-Sep-18	SUPPORT	Andrew Busz andrewb@wsha.org





	1 Expanding Exchange of Prescription Monitoring Program Data - The Department of Health (DOH) proposes to amend and add a new section to existing rules to expand the exchange of PMP data to DOH personnel, health care entities, and others to support coordination of care, patient safety, and quality improvement initiatives described in Engrossed Substitute House Bill 1427 (2017). (Ch. 246-470 WAC)	Order	8-Sep-18	SUPPORT W/ CONCERNS	Ian Corbridge ianc@wsha.org
	1 Physician-related Services: Increase in Rates for Pediatric Care Services and Vaccines ESSB 6032 - (2018) (Ch. 182-531 WAC) - The Health Care Authority (HCA) is beginning rule making to comply with ESSB 6032 to allow for an increase in rates for pediatric care services and vaccines.	Order	1-Oct-18	SUPPORT	Andrew Busz andrewb@wsha.org
	1 Diagnostic-related Group (DRG) Payments, DRG High Outliers, Rebasing, and Hospital Payment Methods-State Administered Programs (WACs 182-550-3600, -3700, -3800, -4800) - The Health Care Authority (HCA) is amending WAC 182-550-3600 and 182-550-3700 to align with medicare changes to outlier pricing. The agency is amending WAC 182-550-3800 to reflect changes in the rebasing process to accommodate changes in grouper version and to support rebasing of rates for new psychiatric facilities.	Order	1-Jul-18	SUPPORT	Andrew Busz andrewb@wsha.org
	1 14-day Readmission Rule (WACs 182-550-2900, -3000, -3840) - The Health Care Authority (HCA) is repealing WAC 182-550-3840 and restoring its former policy regarding 14-day readmissions to WAC 182-550-2900 and WAC 182-550-3000. The agency is making these changes because it has determined that restoring the 14-day readmission rule is the most clinically sound and cost-effective approach to managing readmissions. Under the rule, the Department and MCOs may review readmissions of less than 14 days after discharge and determine if both admissions are payable based on HCA policy.	Order	1-Jul-18	SUPPORT	Andrew Busz andrewb@wsha.org
	1 Behavioral Health Services Administrative Requirements (Ch. 388-877 WAC) - The Department of Social and Health Services (DSHS), Behavioral Health Administration, made policy changes to create a single set of regulations for behavioral health agencies to follow that provide mental health, substance use disorder, and co-occurring treatment services by April 1, 2018.	Order	1-Apr-18	NEUTRAL	Chelene Whiteaker chelene@wsha.org
	1 Involuntary SUD Transportation - The Health Care Authority (HCA) is creating a new section (-4600) under Chapter 182-546 WAC for ambulance transportation for involuntary substance use disorder treatment as directed by the Washington State Legislature in E3SHB House Bill 1713, also known as the Ricky Garcia Act.	Order	8-Nov-18	SUPPORT	Chelene Whiteaker chelene@wsha.org
	1 All Payer Claims Database - The Office of Financial Management (OFM) enacted additional definitions in WAC 82-75-030 and has added definitions as needed. Based on stakeholder feedback and experience since the WA-APCD has been implemented, there are definitions that need to be amended (such as "member", "DUA", and "WA covered persons" and other terms that need to be defined (such as "allowed cost").	Order	16-Oct-18	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.	Order Concise Explanatory Statement	6-Dec-18	SUPPORT	Zosia Stanley zosias@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.	Order	1-Jan-19	SUPPORT	Andrew Busz andrewb@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.	Order	2-Nov-18	MONITOR	Shirley Prasad shirleyp@wsha.org
	2 Short Term Limited Duration Medical Plan (WAC 284-43-8000) - The Office of the Insurance Commissioner (OIC) is initiating rule making because a federal executive order and rule-making on short term medical plans are anticipated to result in the need for further clarification of the Insurance Commissioner's process and standards relative to the filing of short-term medical plans intended for sale to Washington consumers. The rule limits duration to a single three-month period and requires disclosure of benefits limitations to consumers.	Order - Concise explanatory statement	17-Nov-18	SUPPORT	Andrew Busz andrewb@wsha.org
	2 All Payer Claims Database (Ch. 82-75 WAC) The Office of Financial Management (OFM) is proposing rule making related to the Statewide all-payer health care claims database procedures for establishing appropriate fees.	Order Permanent rules	31 days from May 1, 2018	MONITOR	Zosia Stanley zosias@wsha.org
	2 All Payer Claims Database (Ch. 82-75 WAC) The Office of Financial Management (OFM) is proposing rule making related to the Statewide all-payer health care claims database penalties for inappropriate disclosure or use of direct patient identifiers, indirect patient identifiers, or proprietary financial information.	Order Permanent rules	31 days from July 5, 2018	MONITOR	Zosia Stanley zosias@wsha.org
	2 Rate Setting for Professional Health Care Services for Injured Workers (Chs. 296-20 and -23 WAC) - The Department of Labor and Industries (L&I) updated conversion factors provided in WAC 296-20-135 and maximum daily fees provided in WAC 296-23-220 and 296-23-230 for certain professional health care services for injured workers. Rule changes are necessary to maintain current overall fees for health care services, which are published annually in the medical aid rules and fee schedules.	Order	1-Jul-18	NEUTRAL	Andrew Busz andrewb@wsha.org
	2 Adjusting Geographic Rating Areas to Increase Market Stability (Ch. 284-43 WAC) - The Office of Insurance Commissioner (OIC) is proposing a rule affecting WAC 284-43-6680 and 284-43-6700 which establish geographic rating areas for individual and small group health plans. In this rule, the office of the insurance commissioner (OIC) will revise those WAC to address more recent risk pool information, making adjustments to the current rating area designations and ratio restrictions as necessary to more accurately reflect the risk pool.	Order	14-Apr-18	SUPPORT	Andrew Busz andrewb@wsha.org

	<p>2 Hospital-specific Outpatient Prospective Payment System (OPPS) Rates ESSB 6032 - (2018) (WAC 182-550-7500) -</p> <p>The Health Care Authority (HCA) is amending WAC 182-550-7500 to comply with ESSB 6032, section 213 (1)(fff) that provides funding for a fifty percent rate increase of outpatient services for sole community hospitals for SFY 2019. The new operating budget becomes effective on July 1, 2018. During the course of this review, the agency may identify additional changes that are required in order to improve clarity or update policy.</p>	Order	1-Jul-18	SUPPORT	Andrew Busz andrewb@wsha.org
	<p>2 Certificate of Need - Elective PCI Volume Standards (WAC 246-310-715, -720, -725 and -745 -</p> <p>The Department of Health (DOH) adopted rules that amend existing Certificate of Need (CN) percutaneous coronary intervention (PCI) program volume standards for institutions from 300 to 200, and for individual practitioners from 75 to 50 to promote safe and effective elective PCI programs based on the most recent clinical research and literature.</p>	Order	20-Apr-18	NEUTRAL	Zosia Stanley zosias@wsha.org
	<p>2 Pharmacy licensing fees - WAC 246-907-030</p> <p>Pharmaceutical licensing fees and renewal cycle; 246-907-0301 Pharmacy assistant licensing periods-Fees and renewal cycle; and 246-907-0302 Hospital pharmacy associated clinics fees and renewal cycle. The adopted rules increase application and renewal fees for many of the pharmacy profession and pharmaceutical firm credentials to generate additional revenue to recover from the current budget deficit and align program revenue and expenditures. The adopted fees also include a few fee decreases to simplify the fee schedule, and changes to fees for duplicate credentials, verification of credentials, and late renewal penalties to align them with standards for all health professions. In addition, the adopted rules repeal WAC 246-907-0301, pharmacy assistant fees, and moves them to WAC 246-907-030 with the other pharmacy professions.</p>	Order	1-Jan-19	Support	Ian Corbridge ianc@wsha.org
	<p>3 Patient Review and Coordination (Chs. 182-501 and -502 WAC) -</p> <p>The Health Care Authority (HCA) is amending WAC 182-501-0135, Patient review and coordination (PRC), as follows: adding types of patient review and coordination (PRC) program clients that may change managed care organizations (MCOs) and assigned primary care providers in a time period of less than twelve months; revising the section about billing PRC program clients that receive nonemergency health care services obtained from providers to specify “nonpharmacy” providers; and clarifying information about administrative hearing and appeals for clients receiving services through fee-for-service (FFS) and MCOs. The HCA is also amending WAC 182-502-0160, Billing a client: specifically subsection (6)(c), to correct a WAC reference, and subsection (6)(d), to align the language with changes being proposed to WAC 182-501-0135</p>	Order	4-May-18	NEUTRAL	Andrew Busz andrewb@wsha.org
	<p>2 Blood Establishments (Ch. 246-339 WAC) -</p> <p>The Department of Health (DOH) has amended certain provisions of the chapter regarding the department's registration requirements for blood establishments that exempt hospitals from providing proof of a Federal Drug Administration license.</p>	Order	2-Dec-18	MONITOR	Zosia Stanley zosias@wsha.org
	<p>3 Subchapter II-Home Health Services - 182-551 - Medical Assistance definitions - 182-500-0075 - Health Care Authority -</p> <p>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)</p>	Order	1-Jan-19	MONITOR	Zosia Stanley zosias@wsha.org

 <p>Oppose</p>	<p>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</p>	Order	1-Jan-19	NEUTRAL	Andrew Busz andrewb@wsha.org
	<p>3 Home health services - (Ch. 182-551 WAC) The Health Care Authority is amending rules regarding home health services to aligns 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.</p>	Order	1-Jan-19	MONITOR	Zosia Stanley zosias@wsha.org
	<p>3 Home care aides - The Department of Health (DOH) is proposing amendments to the home care aide rules in chapter 246-980 WAC as a part of the five-year rule review process under RCW 43.70.041. The proposed amendments clarify ambiguities reported by stakeholders, consolidate the current rules by subject matter, and create standards of professional conduct for the profession. (Ch. 246-980 WAC)</p>	Order	29-Oct-18	MONITOR	Zosia Stanley zosias@wsha.org
	<p>3 Chemical Dependency Professionals and Trainees (CDPT) SSB 5779 - (2017) (Ch. 246-811 WAC) - The Department of Health (DOH) has adopted amendments regarding chemical dependency professional trainee (CDPT) certification, supervision, approved supervisor requirements, disclosure information, disclosure statements, definitions, and clarified technical changes to other requirements. This was done in response to SB 5779 (2017) which repealed the requirement that chemical dependency professionals (CDP) and CDPT must work within a state-approved facility. Because CDPTs did not have clear regulations that apply to their supervision outside of state-approved facilities, the department revised the CDPT certification requirements to align with current law. <i>In addition, the department will make other revisions to the CDP and CDPT certification requirements in order to align the regulations with other related regulations, to add clarity, and to make technical changes.</i></p>	Order	August 1, 2018	TRACK	Jaclyn Greenberg jaclyng@wsha.org
	<p>3 Transfer of Behavioral Health Responsibility to DOH and HCA 2ESHB 1388 - (2018) (Chs. 388-865 and -877) - The Department of Social and Health Services (DSHS) is proposed to repeal the department's rules relating to community mental health and involuntary treatment programs (ch. 388-865 WAC) and behavioral health services administrative requirements (ch. 388-877 WAC). The legislature passed 2ESHB 1388, transferring portions of the responsibility for behavioral health to the department of health (DOH) and portions to the health care authority (HCA) effective July 1, 2018. The rules in these chapters will be rewritten under DOH and HCA, therefore no longer needed by DSHS.</p>	Order	28-Jul-18	TRACK	Jaclyn Greenberg jaclyng@wsha.org

	3 Transfer of Behavioral Health Responsibility to DOH and HCA 2ESHB 1388 - (2018) (Ch. 388-877B) - The Department of Social and Health Services (DSHS) is has repealed chapter 388-877B WAC, substance use disorder, detoxification services. The legislature passed 2ESHB 1388, transferring portions of the responsibility for behavioral health to the department of health and portions to the health care authority effective July 1, 2018. The rules in these chapters are being re-written under the department of health and the health care authority, therefore no longer needed by DSHS.	Order	August 3, 2018	TRACK	Jaclyn Greenberg jaclyng@wsha.org
	3 Payments to MCOs (WAC 182-538-070) - The Health Care Authority (HCA) is amending WAC 182-538-070, Payments to managed care organizations (MCOs), to align language regarding enhancement payments for MCO enrollees assigned to federally qualified health centers (FQHCs) and rural health clinics (RHCs) with the agency's rules found in Chapters 182-548 and 182-549 WAC.	Order	27-Apr-18	NEUTRAL	Andrew Busz andrewb@wsha.org
	3 HCA Program Integrity Activity Metrics SHB 1314 - (2017) (Ch. 182-502A WAC) - The Health Care Authority (HCA) is amending sections of Chapter 182-502A WAC, Program integrity, to add and update definitions, references, and processes. The agency is adding new WAC 182-502A-1001, Program integrity activity – Metrics, to explain the process of annual reporting of program integrity metrics. Changes were made to comply with new legislative requirements under RCW 74.09.195 and Substitute House Bill (SHB) 1314, for clarification, and for housekeeping purposes.	Order	14-Apr-18	NEUTRAL	Andrew Busz andrewb@wsha.org
	3 Payment for Ambulance Services HB 2007 - (2015) (Ch. 182-546 WAC) - Effective January 1, 2018, the Health Care Authority (HCA) will cover all emergency and nonemergency ambulance services provided to apple health clients through fee-for-service, including those transports for clients enrolled in an agency-contracted managed care organization. The agency is removing references to managed care from appropriate sections of chapter 182-546 WAC.	CR 103 - Permanent Rule - (6/5/2018)	6-Jul-18	NEUTRAL	Andrew Busz andrewb@wsha.org
	3 Forensic Phlebotomists E2SHB 1614 (2017) (Ch. 246-827A WAC) - The Department of Health (DOH) is considering establishing a new chapter of rules to implement provisions of E2SHB 1614. The bill creates a new forensic phlebotomist credential and requires the department to adopt rules to specify the minimum qualifications for the credential. This preproposal statement of inquiry is replacing a previously filed notice (WSR 17-15-022) to clarify that, in addition to training requirements, the department is considering additional new sections necessary to implement the credential.	Order	26-Jul-18	SUPPORT	Zosia Stanley zosias@wsha.org
	3 Uniform Disciplinary Act - Adjudicative Procedures (Ch. 246-11 WAC) - The Department of Health (DOH) is proposing to clarify, streamline, and modernize UDA rules re: adjudicative proceedings conducted under authority of a board or commission with disciplinary authority.	Order	29-Sep-18	MONITOR	Zosia Stanley zosias@wsha.org
	3 Administrative Procedures Act - Adjudicative Proceedings (Ch. 246-10 WAC) - The Department of Health (DOH) is proposing to clarify, streamline, and modernize the APA; implement HB 1381 (2013 - allows secretary to delegate initial decision making authority to presiding officer).	Order	29-Sep-18	MONITOR	Zosia Stanley zosias@wsha.org

	<p>3 Washington Apple Health: Tailored Supports for Older Adults (TSOA)(WAC 182-503-0005) -</p> <p>The Health Care Authority (HCA) is amending the rules to apply for Washington Apple Health to include Tailored Supports for Older Adults (TSOA). The agency is also amending the rules to clarify both who may apply and language regarding the application process for these programs and to update a website. In addition, the agency added a new subsection to make it clear that authorized representatives may apply on an applicant's behalf.</p>	<p>CR 103 - Permanent Rule - (5/15/2018)</p>	<p>15-Jun-18</p>	<p>MONITOR</p>	<p>Zosia Stanley zosias@wsha.org</p>
	<p>3 Medicaid Alternative Care (MAC and TSOA Services) (Ch. 388-106 WAC) -</p> <p>The Department of Social and Health Services (DSHS), Aging and Long-Term Support Administration, is proposing to create new sections in chapter 388-106 WAC, Long-term care services, for a new benefit package for Medicaid alternative care (MAC) and tailored supports for older adults (TSOA).</p>	<p>CR 103 - Permanent Rule - (3/27/2018)</p>	<p>27-Apr-18</p>	<p>MONITOR</p>	<p>Zosia Stanley zosias@wsha.org</p>
	<p>3 Dental Hygienists (Ch. 246-815 WAC) - The Department of Health has adopted rule changes that update, streamline, and modernize the rules pertaining to dental hygiene.</p>	<p>Order Concise Explanatory Statement</p>	<p>19-Nov-18</p>	<p>Neutral</p>	<p>Jacqueline Barton True Jacquelineb@wsha.org</p>
	<p>3 Access to Dental Care for Children (Ch. 246-814 WAC) - The Department of Health has adopted rule revisions that clarify and modernize standards regarding the provision of dental cleaning and sealants to at-risk children in school-based and school-linked settings by dental hygienists and dental assistants.</p>	<p>Order Concise Explanatory Statement</p>	<p>Nov-11-2018</p>	<p>Neutral</p>	<p>Jacqueline Barton True Jacquelineb@wsha.org</p>