

WSHA State Rule Making - 2020 Complete

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

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1	COVID-19: Expanded telehealth, testing coverage, and extended premium grace periods	Office of the Insurance Commissioner	This order: (1) Expands coverage to additional methods for providing telehealth including telephone and video chat tools such as FaceTime, Facebook Messenger video chat, Google Hangout video, Skype and GoToMeeting; (2) Covers all medically-necessary diagnostic testing for flu and certain other viral respiratory illnesses billed during a provider visit for COVID-19 with no copay, coinsurance or deductible; (3) Treats drive-up testing sites for COVID-19 as provider visit with no copay, coinsurance or deductible. OIC is also directing health insurers to waive or expedite prior authorization requirements for home health care or long-term care facility services.	03/24/20	Emergency Rule		SUPPORT	Andrew Busz Andrewb@wsha.org
1	COVID-19: Waiver of Certain Nurse License Fees	Department of Health	The Washington state department of health is waiving certain nursing fees that impose barriers to recruiting nurses who have inactive licenses or expired licenses for three years or less. The department is issuing this waiver in response to the coronavirus disease 2019 (COVID-19) public health emergency to maximize the availability of nurses across the state. Governor's Proclamation 20-32 waived additional measures: Continuing education requirements and certain education requirements for reactivating a license.	03/31/20	Final Order		SUPPORT	Zosia Stanley zosiaS@wsha.org
1	Hospital Reporting to Regional Health Care Coalitions	Department of Health	Every hospital in this state licensed under chapter 70.41 RCW shall report to the health care coalition in the hospital's region any data or information that is requested by such health care coalition or the Department of Health.	04/03/20	Order		SUPPORT	Zosia Stanley zosiaS@wsha.org
1	COVID-19: Schedule II Prescriptions	Pharmacy Quality Assurance Commission	The emergency rule amends WAC 246-887-020 and increases the duration of time a practitioner has to deliver a signed prescription when authorizing an emergency prescription of a Schedule II substance to the pharmacy from seven days to fifteen days. It also defines what a "signed prescription" means and allows for a practitioner to accomplish this requirement through paper, electronic transmission, facsimile, photograph, or scanned copy. These alternative methodologies support patients, practitioners, and pharmacists efforts to practice social distancing and to help mitigate communal spread.	04/21/20	Final Order		SUPPORT	David Streeter DavidS@wsha.org

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1	Behavioral health agencies - Department of Health - 246-341	The Department of Health	Behavioral health agencies - Department of Health - 246-341 - DOH is reviewing relevant regulations for inpatient mental health services to identify potential changes to address care delivery for adults on 90 and 180 day commitment orders. DOH is also considering establishing rules to create standards for licensure or certification of intensive behavioral health treatment facilities and community behavioral health agencies to provide mental health peer respite center services to implement Second Substitute House Bill (2SHB) 1394 (Chapter 324, Laws of 2019)	05/01/20	Final Order		SUPPORT	Jaclyn Greenberg JaclynG@wsha.org
1	Washington State Department Of Health Guidance Regarding Alignment With Federal Regulations – CMS 1135 Blanket Waivers And HHS Guidance On HIPAA Regulations	Department of Health	During the time period of Governor Inslee's declared State of Emergency and to support health care providers and facilities responding to COVID-19, the department is providing guidance to achieve alignment with CMS blanket waivers and HHS guidance referenced above for providers licensed under chapter 18.130 RCW, hospitals licensed under chapter 70.41 RCW, and other health care facilities to which the state laws below apply. This updates guidance previously filed as WSR 20-09-128 by adding Section V regarding HHS guidance related to HIPAA. This guidance applies retroactively beginning on March 1, 2020, to correspond with the effective date of the federal blanket waivers until the time period of Governor Inslee's declared State of Emergency.	06/22/20	Guidance		SUPPORT	Zosia Stanley zosiaS@wsha.org
1	Psychiatric Per Diem Rates	Health Care Authority	HCA intends to submit Medicaid SPA 20-0018 in order to implement certain directives in ESSB 6168, signed by the governor on April 3, 2020. ESSB 6168 directs HCA to increase psychiatric per diem rates for community hospitals that serve patients in long term commitments of ninety days or longer.	07/01/20	Notice		SUPPORT	Andrew Busz Andrewb@wsha.org
1	Hospital Payments	Health Care Authority	HCA is submitting Medicaid SPA 20-0015 in order to comply with ESSB 6168, which increases the rates paid to low-volume, small rural hospitals that meet the criteria outlined below. Payments must be increased to one hundred fifty percent of the hospital's fee-for-service rates for state and federal medical assistance programs for services provided by a qualifying hospital, regardless of the beneficiary's managed care enrollment status.	07/01/20	Notice		SUPPORT	Andrew Busz Andrewb@wsha.org

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1	Pharmacy Rules Re-Write Project	Department of Health Pharmacy Quality Assurance Commission	Pharmacy Re-Write Project: As part of its general re-write project, the Department of Health (DOH), Pharmacy Quality Assurance Commission, is considering revising its rules around licensing of pharmacies, facilities, and professionals that fall under the commission's jurisdiction. The commission will reevaluate current licensing standards, and will consider reorganizing licensing standards into a new chapter or chapters to address any changes identified as needed.	07/01/20	Final Order		SUPPORT	David Streeter DavidS@wsha.org
1	Revisions to EAP Exemption from the Minimum Wage Act	Department of Labor & Industries	Revisions to EAP Exemption from the Minimum Wage Act - Effective July 1, 2020, the final rule establishes an overtime pay threshold of 2.5 times the state's minimum wage with a phased-in implementation over 8 years (until 2028). For an employee to be exempt from overtime pay obligations, they will need to make more than the threshold specified by L&I and satisfy the relevant duties test.	07/01/20	Final Order	Click to see more materials	CONCERNS	David Streeter DavidS@wsha.org
1	Repeal of WAC 246-901-140	Department of Health	Repeal of WAC 246-901-140 , DOH- Repealing the rule that establishes the process to seek an exception to the standard pharmacist to pharmacy technician ratio by developing and presenting a pharmacy services plan for approval by the Pharmacy Quality Assurance Commission. The Pharmacy Quality Assurance Commission (commission) is proposing to repeal the rule because the circumstances have changed and the rule is no longer needed. The rule is no longer necessary due to the adoption of rule amendments to WAC 246-901-130 Pharmacist to Pharmacy Technician Ratio filed under WSR 19-17-034 on August 14, 2019.	07/01/20	Expedited Proposal	Final Order	SUPPORT	David Streeter DavidS@wsha.org

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1	Removing Epidiolex from Schedule V	Pharmacy Quality Assurance Commission	The Pharmacy Quality Assurance Commission has adopted emergency rules filed under WSR 20-15-059 on July 10, 2020, to remove Epidiolex from Schedule V controlled substances WAC 246-945-056 to align with federal law. Epidiolex is no longer considered a controlled substance. This rule is effective immediately and will remain in effect for 120 days. This emergency rule was already in effect on WAC 246-887-180, but was refiled to correspond to the new chapter recently adopted by the commission. Epidiolex is an FDA-approved cannabidiol with less than 0.3% THC, used to help treat some seizure disorders. De-scheduling Epidiolex aligns Washington state rule with the enactment of the 2018 Agricultural Improvement Act (2018 Farm Bill), excluding hemp from schedule I in the Controlled Substances Act and removing it from the definition of marijuana. The 2018 Farm Bill declassified hemp products with not more than 0.3% delta-9 tetrahydrocannabinol (THC) on a dry-weight basis.	07/10/20	Emergency Rule		SUPPORT	David Streeter
1	COVID 19: Schedule II Prescriptions	Pharmacy Quality Assurance Commission	The Pharmacy Quality Assurance Commission adopted emergency rules to reduce burdens on patients and practitioners when prescribing Schedule II substances during the COVID-19 pandemic. The emergency rule amends WAC 246-945-010 and increases the duration of time a practitioner has to deliver a signed prescription when authorizing an emergency prescription of a Schedule II substance to the pharmacy from seven days to fifteen days. The emergency rule also redefines what is a "signed prescription." These emergency rules have already been in effect on WAC 246-887-020, but were refiled to correspond to the new chapter recently adopted by the commission.	07/10/20	Emergency Rule		SUPPORT	David Streeter
1	Payment of office visits for clients under the Alien Emergency Medical program for COVID-19	Health Care Authority	The Health Care Authority is revising this section to allow for payment of office visits for clients under the Alien Emergency Medical (AEM) program when the visit is specifically for the assessment and treatment of the COVID-19 virus.	07/13/20	Emergency Rule		SUPPORT	Andrew Busz Andrewb@wsha.org
1	COVID-19: Notifiable Condition	Washington State Board of Health	The Washington State Board of Health has adopted an emergency rule to create a new section of rule that designates Novel Coronavirus (SARS-CoV-2), also known as Coronavirus Disease 2019 (COVID-19) as a notifiable condition and requires health care providers, health care facilities, laboratories, and local health jurisdictions to report race, ethnicity, and other demographic data for cases of COVID-19.	07/31/20	Emergency Rule		SUPPORT	David Streeter DavidS@wsha.org

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1	Single Bed Certification Emergency Rules	Health Care Authority	This rule making is required to comply with the requirements in 2ESHB 1388 which changed the designation of the state behavioral health services, effective July 1, 2018. The single bed certification rules were previously filed under Preproposal statement of inquiry WSR-18-14-080 and Emergency rule-making order WSR 19-13-057, as WAC 182-538D-0526. The rule making under WSR 18-14-080 was finalized under WSR 19-24-063. Rule making for single bed certification continued through a separate rule-making progress as the agency develops the program. Single bed certification rules are renumbered from WAC 182-538D-0526 to 182-100-0200 to reflect that it is not solely a service under medicaid. Since the emergency rule making filed under WSR 20-13-011, health care authority (HCA) filed the Proposed rule making (CR-102) under WSR 10-15-147 on July 21, 2020. HCA held a public hearing for the proposed rule on August 25, 2020. HCA is reviewing stakeholder comments and anticipates filing the rule-making order (CR-103P) soon.	10/02/20	Emergency Rule		SUPPORT	Jaclyn Greenberg JaclynG@wsha.org
1	Emergency Rule: COVID-19 Test Reporting	Department of Health	DOH is adopting an emergency rule to amend WAC 246-338-026 mandating reporting of test results intended to detect SARS-CoV-2 or diagnose a possible case of the coronavirus disease 2019 (COVID-19) in alignment with the federal changes published in 85 F.R. 54820. WAC 246-338-020 is amended to add language referencing the new subsection in WAC 246-338-026. These changes will allow the new reporting, inspection, and fining processes in compliance with the new federal requirements which will ensure the current Clinical Laboratory Improvement Amendments (CLIA) exempt status is not threatened and will respond to the current public health emergency created by the COVID-19 pandemic.	10/15/20	Emergency Rule		CONCERNS	David Streeter DavidS@wsha.org

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1	Dangerous Waste Standards	Washington State Department of Ecology	The department of ecology (ecology) proposes to amend specific sections of the dangerous waste regulations to incorporate new federal hazardous waste rules, including but not limited to: (1) Management Standards for Hazardous Waste Pharmaceuticals and Amendments to the P075 Listing for Nicotine. 84 F.R. 5816; February 22, 2019. (2) Safe Management of Recalled Airbags. 83 F.R. 61552; November 30, 2018. (3) User Fees for the Electronic Hazardous Waste Manifest System and Amendments to Manifest Regulations. 83 F.R. 420; January 3, 2018.	10/31/20	Final Order	Final Rule Language	MONITOR	David Streeter DavidS@wsha.org
1	Payment of office visits for clients under the Alien Emergency Medical program for COVID-19	Health Care Authority	The Health Care Authority is revising this section to allow for payment of office visits for clients under the Alien Emergency Medical (AEM) program when the visit is specifically for the assessment and treatment of the COVID-19 virus.	11/05/20	Emergency Rule		SUPPORT	Andrew Busz Andrewb@wsha.org
1	Removing Epidiolex from Schedule V	Pharmacy Quality Assurance Commission	The Pharmacy Quality Assurance Commission has adopted emergency rules filed under WSR 20-15-059 on July 10, 2020, to remove Epidiolex from Schedule V controlled substances WAC 246-945-056 to align with federal law. Epidiolex is no longer considered a controlled substance. This rule is effective immediately and will remain in effect for 120 days. This emergency rule was already in effect on WAC 246-887-180, but was refiled to correspond to the new chapter recently adopted by the commission. Epidiolex is an FDA-approved cannabidiol with less than 0.3% THC, used to help treat some seizure disorders. De-scheduling Epidiolex aligns Washington state rule with the enactment of the 2018 Agricultural Improvement Act (2018 Farm Bill), excluding hemp from schedule I in the Controlled Substances Act and removing it from the definition of marijuana. The 2018 Farm Bill declassified hemp products with not more than 0.3% delta-9 tetrahydrocannabinol (THC) on a dry-weight basis.	11/07/20	Emergency Rule		SUPPORT	David Streeter

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1	COVID 19: Schedule II Prescriptions	Pharmacy Quality Assurance Commission	The Pharmacy Quality Assurance Commission adopted emergency rules to reduce burdens on patients and practitioners when prescribing Schedule II substances during the COVID-19 pandemic. The emergency rule amends WAC 246-945-010 and increases the duration of time a practitioner has to deliver a signed prescription when authorizing an emergency prescription of a Schedule II substance to the pharmacy from seven days to fifteen days. The emergency rule also redefines what is a "signed prescription." These emergency rules have already been in effect on WAC 246-887-020, but were refiled to correspond to the new chapter recently adopted by the commission.	11/07/20	Emergency Rule		SUPPORT	David Streeter
1	COVID-19 Notifiable Condition	Washington State Board of Health	The Washington state board of health has adopted a second emergency rule to continue to designate COVID-19 as a notifiable condition and extends reporting requirements for health care providers, health care facilities, laboratories, and local health jurisdictions to report race, ethnicity, and other demographic data for cases of COVID-19. The rule establishes what testing and demographic data need to be reported as well as the timing and mechanism of reporting. The rule allows for certain waivers by a local health officer. This emergency rule will continue to require specific data elements to be reported with COVID-19 test results. This rule is more closely aligned with United States Department of Health and Human Services (HHS) laboratory data reporting guidance and reflects reporting requirements that can more reasonably be collected through the current public health reporting structure. The existing emergency rule incorporates HHS guidance and also requires reporting of additional data beyond what is included in guidance, including components such as the patient's race and ethnicity using disaggregated reporting categories, the patient's primary language and emergency contact phone number, and responses to "ask on order entry" questions. This emergency rule will take effect upon the expiration of the existing emergency rule.	11/29/20	Emergency Rule		SUPPORT	David Streeter DavidS@wsha.org

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1	COVID-19 Nursing Home Rules	Department of Social and Health Services	The continued threat of COVID-19 to our most vulnerable populations is significant, especially for those receiving long-term care services in their homes and congregate settings, such as long-term care facilities. Current nursing home rules require physicians perform certain tasks. The rules also restrict the frequency of delegation from a physician to a registered nurse practitioner or a physician assistant, depending on the payor source of the resident and whether the bed the resident occupies is certified for medicare, medicaid, or both. The amendment will permit the physician to delegate tasks, even if it is required to be performed by the physician in regulation and regardless of the frequency of the delegation. The amendment does not change the required frequency of physician visits or the requirement for the physician to supervise the delegate. This amendment aligns state rules with federal rules recently amended to permit increased delegation of physician tasks to a registered nurse practitioner or a physician assistant. This amendment provides flexibility for physicians to better prioritize their time and will help to ensure nursing home residents receive assessment and care by a qualified health care provider in a timely manner.	12/24/20	Emergency Rule		SUPPORT	Zosia Stanley zosiaS@wsha.org
2	Detoxification Services	Health Care Authority	The health care authority (the agency) intends to submit medicaid SPA 19-0031 to add reimbursement methodology for secure withdrawal management and stabilization. The per diem rate on the agency fee schedule for secure withdrawal management and stabilization is set at a flat fee, based upon market value, other states' fees, and budget impacts. Effective January 1, 2020, the Washington state legislature increased the rate from \$536.64 to \$650.	01/01/20	Notice		SUPPORT	Andrew Busz Andrewb@wsha.org

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2	Behavioral Health Services and Problem Gaming	Health Care Authority	This rulemaking is required to comply with the requirements in 2ESHB 1388 which changed the designation of the state Behavioral Health Authority from the Department of Social and Health Services to the Health Care Authority, effective July 1, 2018. These rules currently operate under emergency filing WSR 19-13-057. This rulemaking is also required to implement Engrossed Second Substitute Senate Bill 5432 which directs the agency to fully implement behavioral health integration for January 1, 2020, by: 1) removing behavioral health organizations from law; 2) clarifying the roles and responsibilities among the Health Care Authority, the Department of Social and Health Services, and the Department of Health; and 3) clarifying the roles and responsibilities of behavioral health administrative services organizations and the Medicaid managed care organizations; and 4) making technical corrections related to the behavioral health system. This rulemaking is also needed to implement Second Substitute Senate Bill 6312 concerning state purchasing of mental health and chemical dependency treatment services and the full integration of medical and behavioral health services by January 1, 2020.	01/01/20	Final Order		NEUTRAL	Jaclyn Greenberg JaclynG@wsha.org
2	HCA Adjustment to Inpatient Rates	Health Care Authority	HCA Adjustment to Inpatient Rates- is extending the date for rate enhancements for sole community hospitals from July 1, 2018 through June 30, 2021. During this time, the agency multiplies a hospital's specific conversion factor and per diem rates by 1.50. Starting July 1, 2021, the agency multiplies a hospital's specific conversion factor and per diem rates by 1.25.	01/11/20	Final Order		SUPPORT	Andrew Busz Andrewb@wsha.org
2	Rural Health Clinic Reimbursement	Health Care Authority	HCA, Rural Health Clinic Reimbursement- HCA is amending WAC 182-549 to clarify the frequency of reconciliations, and to update timeliness standards criteria for enrollment of Rural Health Clinics to include receipt of Medicare certification letter. The agency is also amending this chapter to clarify that the agency covers dental services under 42 C.F.R. 491.2.	01/26/20	Final Order		NEUTRAL	Andrew Busz Andrewb@wsha.org
2	Program Integrity Updates- WAC 182-502A-0401	Health Care Authority	HCA, Program Integrity Updates- WAC 182-502A-0401 provides detail about PI activity methods and specifies that the agency may request and evaluate records or other information. This rule also sets out requirements for the electronic or facsimile submission of records and states that the agency destroys hardcopies submitted without prior approval. The rule provides that entities must not adjust or rebill a claim subject to a PI activity until the activity and all appeals are exhausted.	01/31/20	Final Order		MONITOR	Shirley Prasad ShirleyP@wsha.org

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2	Implementation of SHB 1870 – Federal Patient Protection and Affordable Care Act	Office of the Insurance Commissioner	Office of the Insurance Commissioner -Implementation of SHB 1870 – Federal Patient Protection and Affordable Care Act – State Law - SHB 1870 (Chapter 33, Laws of 2019) codifies several provisions of the Affordable Care Act into state law. Some provisions of SHB 1870 authorize OIC to engage in rulemaking necessary to implement the provisions of the legislation. Existing rules may need to be amended to be consistent with SHB 1870, and new rules may be required. Such rules will facilitate implementation of the law by ensuring that all affected entities understand their rights and obligations under the new law.	02/17/20	Final Order	Concise Explanatory Statement	NEUTRAL	Shirley Prasad ShirleyP@wsha.org
2	Medicaid State Plan Amendment (SPA) 20-0021 Medicaid Disaster Relief 2	Health Care Authority	The health care authority (HCA) intends to submit medicaid SPA 20-0021 to implement additional policies and procedures that may be different from the policies and procedures otherwise applied under the medicaid state plan, during the period of the presidential and secretarial emergency declarations related to the COVID-19 outbreak.	03/01/20	Notice		MONITOR	Andrew Busz Andrewb@wsha.org
2	Aging and Long-Term Supports	Department of Social and Health Services	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.	03/08/20	Final Order		SUPPORT	Zosia Stanley zosiaS@wsha.org
2	Behavioral Health Agency Licensing and Certification- COVID-19 Response	Department of Health	The Washington State Department of Health is waiving certain behavioral health agency licensing and certification requirements that impose an obligation on licensed behavioral health agencies to provide certain assessments and services “in person” or “faceto-face.”	03/17/20	Final Order		SUPPORT	Jaclyn Greenberg JaclynG@wsha.org
2	Health Record Duplication Fees	Department of Health	The Department of Health (department) is proposing to increase the maximum fees providers may charge to search or duplicate records pursuant to RCW 70.02.010(38). Under the proposal, health care providers would be able to charge up to \$.24 per sheet for copies of records up to 30 pages, and up to \$.94 for pages beyond 30. Health care providers would also be able to charge a clerical fee up to \$28.	03/19/20	Final Order		NEUTRAL	David Streeter DavidS@wsha.org

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2	COVID-19: Medicaid Client Signature Requirement for Deliveries	Health Care Authority	The health care authority is temporarily waiving the requirement for date and signature from the medicaid client or the client's designee upon delivery of medical equipment and supplies.	03/20/20	Final Order		SUPPORT	Zosia Stanley zosiaS@wsha.org
2	Medicaid Fee Schedule	Health Care Authority	HCA intends to submit medicaid SPA 20-0007 to update the fee schedule effective dates for several medicaid programs and services, and update the name of a service. This is a regular, budget neutral update to keep rates and billing codes in alignment with the coding and coverage changes from the Centers for Medicare and Medicaid Services, the state, and other sources. These changes are routine and do not reflect significant changes to policy or payment. SPA 20-0007 addresses the following: •Ambulatory surgery center services. •Dental services. •Medication assisted treatment - changing name to medication for opioid use disorder. •Outpatient hospital services. •Other services that may be subsequently identified.	04/01/20	Notice		MONITOR	Andrew Busz Andrewb@wsha.org
2	WAC 182-530-4050 Drug use and claims review	Health Care Authority	WAC 182-530-4050 Drug use and claims review - The agency is revising this rule to comply with the requirements of section 1004 of the Support for Patients and Communities Act under 42 U.S.C. 1396a(a) by more accurately detailing the drug use review (DUR) activities to include reference to prior authorization requirements adding subsection (1)(a)(iv) and (2)(c) and include the activities of prescribing practitioners in addition to dispensing pharmacies in subsection (2) and (2)(b). The agency is also revising subsection (1)(b) to update language in accordance with the Support Act including prescribing billing practices that indicate abuse or excessive utilization.	04/04/20	Final Order		NEUTRAL	Andrew Busz Andrewb@wsha.org
2	Apple Health Managed Care	Health Care Authority	The purpose of these amendments is to help ensure (1) the viability of Apple Health Integrated Managed Care (IMC) plans; (2) adequate performance by the IMC plans; (3) sufficient access to care for Medicaid clients in IMC; and (4) the continued availability of an adequate network of physical and behavioral health providers in IMC plans.	04/17/20	Final Order		NEUTRAL	Andrew Busz Andrewb@wsha.org

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2	Family Planning Waiver Program	Health Care Authority	The agency is establishing rules to comply with ESHB 1109, section 211(47), which provides funding for services identical to those services covered by the Washington state family planning waiver program to individuals who: (1) Are age twenty and older; (2) who are at or below two hundred sixty percent of the federal poverty level; (3) who are not covered by public or private insurance; and (4) who need family planning services and are not currently covered by or eligible for another medical assistance program for family planning.	04/27/20	Emergency Rule		SUPPORT	Andrew Busz Andrewb@wsha.org
2		Pharmacy Quality Assurance Commission	PQAC adopted emergency rule to remove Epidiolex from the list of Schedule V controlled substances.	05/20/20	Emergency Rule		NEUTRAL	David Streeter DavidS@wsha.org
2	Physical Therapy Compact	Board of Physical Therapy	The Board of physical therapy is proposing to update the effective date in WAC 246-915A-010 for the physical therapy compact per RCW 18.74.500, Article IX(2). This rule adopts the effective date of the compact rules to October 27, 2019.	06/19/20	Final Order		SUPPORT	David Streeter DavidS@wsha.org
2	COVID-19: Nursing Home Rules	Department of Social and Health Services	The department is amending the rules listed below to ensure nursing homes are not significantly impeded from admitting and caring for residents during the COVID-19 outbreak. These amendments will align state nursing home rules with federal rules that were suspended or amended to help facilitate care during the COVID-19 pandemic.	06/23/20	Emergency Rule		SUPPORT	Alicia Eyler aliciae@wsha.org Zosia Stanley zosiaS@wsha.org

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2	COVID 19: Nursing Rules	Department of Health	The nursing care quality assurance commission is adopting emergency rules in response to the coronavirus disease (COVID-19). These rules apply to the specific regulatory requirements for LPNs, RNs and ARNPs. The amendments remove specific barriers that nurses face to providing care in response to COVID-19. Waiving the requirement for continuing education removes a barrier for nurses with a retired active license and will allow them to immediately begin working. Waiving the restriction that ARNPs with an inactive or expired license must complete clinical practice hours removes a barrier to rejoining the health care workforce. Allowing LPN students to practice as nursing technicians addresses the demand for more healthcare professionals in the workforce. Amending language to add clarification to the preceptor rules and simulation rules eliminates current obstacles in nursing education to address the demand for more healthcare professionals. Amending the requirements for nurse delegation to waive requirements and streamline the process will remove barriers for nurses to complete high demand duties. More health care professionals will [be] available to respond to current demands because of these changes.	06/26/20	Emergency Rule		SUPPORT	Alicia Eyler aliciae@wsha.org
2	Ambulance Transport Quality Assurance Fee	Health Care Authority	The health care authority (HCA) intends to submit medicaid SPA 20-0032 in order to comply with ESSB 6534, which directs HCA to establish an ambulance transportation quality assurance fee program to provide an add-on to fee for emergency ambulance rates for nonpublic and nonfederal emergency ambulance transportation providers. The add-on payment will be funded solely from assessments to the nonpublic and nonfederal ambulance providers.	07/01/20	Notice		SUPPORT	Andrew Busz Andrewb@wsha.org

PRIORITY	Primary	AGENCY	DESCRIPTION	Effective Date	Final Order	Extra Materials	WSHA Position/Impact	WSHA CONTACT
2	WAC 246-809, WAC 246-810, and WAC 246-811 Behavioral Health Professional Licenses	The Department of Health	WAC 246-809, WAC 246-810, and WAC 246-811 Behavioral Health Professional Licenses- DOH is considering amending and adding new sections to existing behavioral health professions' rules to implement licensure requirements addressed in ESHB 1768 and 2SHB 1907. The department is also considering adopting a new chapter of rules to establish licensure requirements for a co-occurring disorder specialist enhancement to certain behavioral health professions as required by statute. The following behavior health professions may be affected: substance use disorder professionals, certain agency affiliated counselors, mental health counselors, advanced social workers, independent clinical social workers, marriage and family therapists, and psychologists.	07/02/20	Final Order		SUPPORT	Alicia Eyler aliciae@wsha.org
2	WAC 246-924 Substance Abuse Licenses	Examining Board of Psychology	WAC 246-924 Substance Abuse Licenses- The Examining Board of Psychology is considering adding new sections to the chapter to implement the requirements of Senate Bill 5054 regarding probationary licensure and a reciprocity program between Washington and other US states ... The board will also consider amending WAC 246- 924-043, 246-924-059, and 246-924-495 to address the reduction of supervised experience requirements for certain applicants already licensed as a substance use disorder specialist under chapter 18.205 RCW as required by Engrossed Substitute House Bill 1768. The board will consult with the Department of Health to determine training standards for a cooccurring disorder specialist enhancement as required by ESHB 1768. The board is also considering clarifying terms and conditions in WAC 246-924-010, 246-924-049, 246-924-095, and 246-924-480 regarding telemedicine, and licensure requirements for practicum, exams, and temporary permits.	07/02/20	Final Order		SUPPORT	Alicia Eyler aliciae@wsha.org
2	Medicaid State Plan Amendment (SPA) 20-0031 Health Home Rate Structure for the Managed Fee-for-Service (MFFS) Delivery System	Health Care Authority	The health care authority (HCA), in conjunction with the department of social and health services (DSHS) aging and long-term care services administration (AL TSA), intends to submit SPA 20-0031 in order to update the methodology used to determine the rates paid for health home services. The health home program is a voluntary care coordination model supported by one-on-one, face-to-face visits with eligible high-risk clients who have multiple chronic conditions. The program is available statewide.	07/16/20	Notice		SUPPORT	Andrew Busz Andrewb@wsha.org

PRIORITY	Primary	AGENCY	DESCRIPTION	Effective Date	Final Order	Extra Materials	WSHA Position/Impact	WSHA CONTACT
2	COVID-19: Medicaid Client Signature Requirement for Pharmaceuticals	Health Care Authority	The health care authority is temporarily removing the requirement to obtain a signature from the medicaid client or the client's designee upon receipt of pharmacy products dispensed and delivered directly to a client.	07/16/20	Emergency Rule		SUPPORT	David Streeter DavidS@wsha.org
2	Updating WAC 182-501-0165 by Replacing "Mental Health" with "Behavioral Health"	Health Care Authority	The agency (HCA) is updating WAC 182-501-0165 to further implement full integration of behavioral health in HCA's Medicaid program by removing the term "mental health" and replacing it with the term "behavioral health." This change will ensure clarity that clients receiving behavioral health services under HCA's Medicaid fee-for-service program receive appropriate notices and opportunities for hearings based on adverse benefit decisions resulting from prior authorization.	07/26/20	Final Order		SUPPORT	Andrew Busz Andrewb@wsha.org
2	HCA Rules for Hospital Safety Net Program	Health Care Authority	HCA Rules for Hospital Safety Net Program- intends to establish rules for the Hospital Safety Net Assessment Program	07/26/20	Final Order		NEUTRAL	Andrew Busz Andrewb@wsha.org
2	COVID-19: Medicaid Preferred Drugs for Cold and Cough	Health Care Authority	The agency is replacing the list of covered generic products for the treatment of cough and cold. Under the amended rule, the agency instead covers only those products with a preferred status on the medicaid preferred drug list on the date a prescription is dispensed.	07/28/20	Emergency Rule		SUPPORT	Andrew Busz Andrewb@wsha.org
2	COVID-19: Medicaid Client Signature Requirement for Pharmaceuticals	Health Care Authority	The health care authority is temporarily removing the requirement to obtain a signature from the medicaid client or the client's designee upon receipt of pharmacy products dispensed and delivered directly to a client.	07/28/20	Emergency Rule		SUPPORT	David Streeter DavidS@wsha.org
2	Ordering of Home Health Services by nonphysician practitioners	Health Care Authority	The agency is amending WAC 182-543-0500 and WAC 182-551-2040 to allow ordering of home health services, including medical supplies, by nonphysician practitioners.	07/30/20	Emergency Rule		MONITOR	Alicia Eyler aliciae@wsha.org

PRIORITY	Primary	AGENCY	DESCRIPTION	Effective Date	Final Order	Extra Materials	WSHA Position/Impact	WSHA CONTACT
2	TB Screening Waiver Emergency Rule	Department of Social and Health Services	The department is extending the emergency rules listed below to assure [ensure] long-term care programs are not significantly impeded during the hiring process due to inability to access the tuberculosis (TB) testing required as a part of the hiring process. This will help to increase the number of long-term care workers necessary to provide essential services to some of Washington's most vulnerable adults during the outbreak of COVID-19. The situation continues that currently clinics providing TB testing are short of staff and have limited availability throughout the state. These clinics are unable to provide the TB testing required as a part of the hiring process in many long-term care programs. This circumstance is expected to exacerbate demand for long-term care workers when the pandemic has already significantly reduced the availability of long-term care workers in the state.	07/31/20	Emergency Rule		MONITOR	Alicia Eyler Zosia Stanley
2	Cost avoidance on labor, delivery, and postpartum care claims	Health Care Authority	The agency is amending this section to implement requirements in the Bipartisan Budget Act of 2018 which requires state Medicaid agencies to use cost avoidance on labor, delivery, and postpartum care claims. The Bipartisan Budget Act of 2018 also delayed the implementation of a provision in the Bipartisan Budget Act of 2013 that allowed payment up to 90 days for claims associated with medical support enforcement, rather than 30 days under the previous law. The agency is revising this section to implement this provision, now amended to 100 days, rather than 90, by the Medicaid Services Investment and Accountability Act of 2019.	08/06/20	Final Order		NEUTRAL	Andrew Busz Andrewb@wsha.org
2	Newborn Screening	Washington State Board of Health	The Washington State Board of Health is proposing to amend the newborn screening (NBS) rules to add spinal muscular atrophy (SMA) to the list of mandatory conditions for which newborn screening is conducted by the department of health.	08/07/20	Final Order		SUPPORT	David Streeter DavidS@wsha.org

PRIORITY	Primary	AGENCY	DESCRIPTION	Effective Date	Final Order	Extra Materials	WSHA Position/Impact	WSHA CONTACT
2	COVID-19: Nursing Home Rules		The department is extending the amendment of the rules listed below to assure [ensure] nursing homes are not significantly impeded from admitting and caring for residents during the COVID-19 outbreak. These amendments will continue to align state nursing home rules with federal rules that were suspended or amended to help facilitate care during the COVID-19 pandemic. The federal rules were amended to allow physicians to delegate tasks to a physician assistant, nurse practitioner, or clinical nurse specialist. Current state rules specify physicians must perform some tasks. The amendment will permit delegation of those tasks as long as the task is within the scope of practice of the delegate, and the delegate works under the supervision of the physician.	08/26/20	Emergency Rule		MONITOR	Alicia Eyler aliciae@wsha.org Zosia Stanley zosiaS@wsha.org
2	Coordinated Children's Services	The Department of Health	The department of health is proposing: (1) Updating the coordinated children's services rules to current standards; (2) amending to include accessing the department as a payer of last resort, and repayment to the department under certain circumstance; and (3) adding new sections to include programs such as neurodevelopmental centers (NDC).	08/31/20	Final Order		SUPPORT	Andrew Busz Andrewb@wsha.org
2	COVID-19: Employer Benefit Charge Reduction	Employment Security Department	In the most recent legislative session, the legislature passed EHB 2965 (chapter 7, Laws of 2020), which appropriates funds into the COVID-19 unemployment account for the purposes of reducing specified benefit charges to eligible employers. Rules are necessary in order to establish which employers are eligible to apply for benefit charge reduction, which benefit charges are eligible to be reduced, and the process for how employers can apply for benefit charge reduction.	09/04/20	Final Order		MONITOR	David Streeter DavidS@wsha.org

PRIORITY	Primary	AGENCY	DESCRIPTION	Effective Date	Final Order	Extra Materials	WSHA Position/Impact	WSHA CONTACT
2	Emergency Rule: WAC 388-97-0300 Notice of rights and services.	Department of Social and Health Services	The department is extending the amendment of the rule listed below to assure [ensure] nursing homes are not significantly impeded from admitting and caring for residents during the COVID-19 outbreak. These amendments will align state nursing home rules with federal rules that were suspended or amended to help facilitate care during the COVID-19 pandemic. The federal rules were amended to allow nursing facilities to provide clinical records to residents and resident representatives in ten working days instead of two working days. Current state rules specify clinical records be accessible to residents and their representatives for review within twenty-four hours and copies must be provided within two working days. The amendment lengthens the time nursing homes have to provide the resident access to, or copies of the requested clinical record from two to ten days. The amendment does not permit the nursing facility to deny the resident access to records.	09/12/20	Emergency Rule		SUPPORT	Alicia Eyler aliciae@wsa.org Zosia Stanley zosiaS@wsa.org
2	Medicaid State Plan Amendment (SPA) 20-0037 Small Rural Outpatient Hospital Payment	Health Care Authority	HCA is submitting medicaid SPA 20-0037 in order to comply with ESSB 6168, which increases the rates paid to low-volume, small rural hospitals that meet the criteria outlined below. Payments must be increased to one hundred fifty percent of the hospital's fee-for-service rates for state and federal medical assistance programs for services provided by a qualifying hospital, regardless of the beneficiary's managed care enrollment status.	10/01/20	Notice		SUPPORT	Andrew Busz Andrewb@wsa.org
2	WAC 296-20-135 Conversion Factors, WAC 296-23-220 Physical Therapy Rules, and WAC 296-23-230 Occupational Therapy Rules	Department of Labor & Industries	WAC 296-20-135 Conversion Factors, WAC 296-23-220 Physical Therapy Rules, and WAC 296-23-230 Occupational Therapy Rules. Medical Aid Rules updates regarding rate setting for most professional health care services for injured workers. These updates may also impact rates for health care services provided to crime victims	10/01/20	Final Order		SUPPORT	Andrew Busz Andrewb@wsa.org
2	Washington Prescription Drug Price Transparency Program	Health Care Authority	This rule making will implement the Washington Prescription Drug Price Transparency Program as required under Chapter 43.71C RCW.	10/16/20	Final Order		NEUTRAL	Andrew Busz Andrewb@wsa.org

PRIORITY	Primary	AGENCY	DESCRIPTION	Effective Date	Final Order	Extra Materials	WSHA Position/Impact	WSHA CONTACT
2	COVID 19: Nursing Rules	Department of Health	The nursing care quality assurance commission is adopting emergency rules in response to the coronavirus disease (COVID-19). These rules apply to the specific regulatory requirements for LPNs, RNs and ARNPs. The amendments remove specific barriers that nurses face to providing care in response to COVID-19. Waiving the requirement for continuing education removes a barrier for nurses with a retired active license and will allow them to immediately begin working. Waiving the restriction that ARNPs with an inactive or expired license must complete clinical practice hours removes a barrier to rejoining the health care workforce. Allowing LPN students to practice as nursing technicians addresses the demand for more healthcare professionals in the workforce. Amending language to add clarification to the preceptor rules and simulation rules eliminates current obstacles in nursing education to address the demand for more healthcare professionals. Amending the requirements for nurse delegation to waive requirements and streamline the process will remove barriers for nurses to complete high demand duties. More health care professionals will [be] available to respond to current demands because of these changes.	10/23/20	Emergency Rule		SUPPORT	Alicia Eyler aliciae@wsha.org
2	Medical Test Site Fees	Department of Health	To address the rising costs of the medical test site program, address the negative cash flow, and build the recommended reserve, the department proposes raising medical test site licensing and renewal fees by twenty-five percent across all license categories effective October 31, 2020.	10/31/20	Final Order			David Streeter DavidS@wsha.org
2	Medicaid State Plan Amendment (SPA) 20-0029 Pharmacists	Health Care Authority	HCA intends to submit medicaid SPA 20-0029 in order to clarify that pharmacists are able to provide and bill for services according to their scope of practice, by adding them to the list of "other licensed practitioners" in the medicaid state plan. This is not a change in policy or practice; it is for clarification purposes only. Because SPA 20-0029 does not change current policy or practice, it is expected to have no effect on the annual aggregate expenditures/reimbursement/payment for pharmacists and the services they provide.	11/01/20	Notice		SUPPORT	Andrew Busz Andrewb@wsha.org

PRIORITY	Primary	AGENCY	DESCRIPTION	Effective Date	Final Order	Extra Materials	WSHA Position/Impact	WSHA CONTACT
2	Family Planning Program Eligibility	Health Care Authority	The agency is establishing rules to comply with ESHB 1109, Sec 211 (47), which provides funding for services identical to those services covered by the Washington state family planning waiver program to individuals who: (1) Are age 20 and older; (2) Who are at or below 260% of the federal poverty level; (3) Who are not covered by public or private insurance; and (4) Who need family planning services and are not currently covered by or eligible for another medical assistance program for family planning.	11/09/20	Final Order		SUPPORT	Andrew Busz Andrewb@wsha.org
2	COVID-19: Medicaid Client Signature Requirement for Pharmaceuticals	Health Care Authority	The health care authority is temporarily removing the requirement to obtain a signature from the medicaid client or the client's designee upon receipt of pharmacy products dispensed and delivered directly to a client.	11/10/20	Emergency Rule		SUPPORT	David Streeter DavidS@wsha.org
2	Medical assistance units for non-MAGI-based Washington Apple Health programs	Health Care Authority	The agency is amending these rules to include resource standard requirements. The agency also plans to add a new subsection that identifies rules used to determine the allocation of resources.	11/12/20	Final Order		NEUTRAL	Andrew Busz Andrewb@wsha.org
2	PA's Ordering Home Health Services	Department of Health	The purpose of the proposed amendment to WAC 246-335-510(3) is to add physician assistants to the list of practitioners authorized to order home health services and to sign plans of care. This change will expand health care facilities' ability to provide appropriate care for individuals who no longer need to be in a hospital or other health care facility, while also allowing health care facility resources to be used more effectively, facilitating the response to the public health emergency created by the coronavirus disease (COVID-19) pandemic.	11/17/20	Expedited Rule		SUPPORT	Alicia Eyler aliciae@wsha.org
2	COVID-19: Medicaid Preferred Drugs for Cold and Cough	Health Care Authority	The agency is replacing the list of covered generic products for the treatment of cough and cold. Under the amended rule, the agency instead covers only those products with a preferred status on the medicaid preferred drug list on the date a prescription is dispensed.	11/23/20	Emergency Rule		SUPPORT	Andrew Busz Andrewb@wsha.org
2	COVID-19: Medicaid Client Signature Requirement for Pharmaceuticals	Health Care Authority	The health care authority is temporarily removing the requirement to obtain a signature from the medicaid client or the client's designee upon receipt of pharmacy products dispensed and delivered directly to a client.	11/23/20	Emergency Rule		SUPPORT	David Streeter DavidS@wsha.org

PRIORITY	Primary	AGENCY	DESCRIPTION	Effective Date	Final Order	Extra Materials	WSHA Position/Impact	WSHA CONTACT
2	TB Screening Waiver	Department of Social and Health Services	The department is extending the emergency rules ... to assure [ensure] long-term care programs are not significantly impeded during the hiring process due to inability to access the tuberculosis (TB) testing required as a part of the hiring process. This will help to increase the number of long-term care workers necessary to provide essential services to some of Washington's most vulnerable adults during the outbreak of COVID-19. The situation continues that currently clinics providing TB testing are short of staff and have limited availability throughout the state. These clinics are unable to provide the TB testing required as a part of the hiring process in many long-term care programs. This circumstance is expected to exacerbate demand for long-term care workers when the pandemic has already significantly reduced the availability of long-term care workers in the state.	11/28/20	Emergency Rule		MONITOR	Alicia Eyler Zosia Stanley
2	Ordering of Home Health Services by nonphysician practitioners	Health Care Authority	The agency is amending WAC 182-543-0500 and WAC 182-551-2040 to allow ordering of home health services, including medical supplies, by nonphysician practitioners.	12/02/20	Emergency Rule		MONITOR	Alicia Eyler aliciae@wsa.org
3	WAC 246-454-010--Definitions and WAC 246-454-030--Submission of budget (Hospital Financial Data and Reports)	Department of Health	Department of Health - WAC 246-454-010--Definitions and WAC 246-454-030--Submission of budget (Hospital Financial Data and Reports) The Department of Health adopted: (1) the repeal of WAC 246-454-030 to eliminate an outdated requirement that each hospital submit a financial report related to hospitals' annual budgets; (2) an amendment to WAC 246-454-010 to remove the definition of "budget," a term related to the section repealed; and (3) an amendment to correct a statutory reference in WAC 246-454-010; and an amendment to the introduction sentence in WAC 246-454-010 to provide clarity.	01/18/20	Final Order		SUPPORT	Andrew Busz Andrewb@wsa.org
3	WAC 246-919-990 Physician and surgeon fees and renewal cycle and 246-918-990	Washington Medical Commission	Washington Medical Commission. WAC 246-919-990 Physician and surgeon fees and renewal cycle and 246-918-990 Physician assistant fees and renewal cycle Increased renewal fees and late renewal penalties for allopathic physicians and allopathic physician assistants.	02/01/20	Final Order		NEUTRAL	Alicia Eyler AliciaE@wsa.org

PRIORITY	Primary	AGENCY	DESCRIPTION	Effective Date	Final Order	Extra Materials	WSHA Position/Impact	WSHA CONTACT
3	COVID-19: Unemployment Insurance	Employment Security Department	The rule making is proposed in order to provide support to employees and employers impacted by the COVID-19 virus across the state. These emergency rules relate to leaving work because of illness or disability (WAC 192-150-055); report and tax payment penalties and charges (WAC 192-310-030); backdating applications for unemployment benefits (WAC 192-110-095); scheduling and reporting for reemployment services (WAC 192-140-090); registering for work (WAC 192-180-005); job search reviews (WAC 192-180-025); job search directives (WAC 192-180-040); good cause for failing to respond (WAC 192-320-082); applications for standby (WAC 192-110-015); time frames for training benefits (WAC 192-270-035); certification of progress for training benefits (WAC 192-270-065); suitable work factors (WAC 192-170-050); isolation and quarantine (WAC 192-100-901); and catastrophic occurrences (WAC 192-320-078).	03/09/20	Emergency Rule		SUPPORT	David Streeter DavidS@wsha.org
3	WAC 182-546 Nonemergency Transport	Health Care Authority	HCA WAC 182-546 Nonemergency Transport- Revises (1) Revising the definition of “extended stay” to mean a period of time spanning 30 consecutive days, revising the definition of “short stay” to mean a period of time spanning 29 days, and adding a definition for service animal; (2) Revising section -5550 (exclusion and limitations) to include substance use disorder; (3) Revising where nonemergency transportation is not provided; (4) Clarifying that nonemergency transportation for clients in the Program of All-Inclusive Care for Elderly (PACE) program is the responsibility of the PACE contractor and is not provided through brokers; (5) Adding a requirement that brokers may not authorize payment for alcohol, cannabis, or other nonfood items; (6) Clarifying that for short stays, the cost of meals may not exceed the state per diem rate; (7) Revising the requirement that receipts for mileage, fuel, parking, bridge tolls, or ferry fees must be itemized.	03/14/20	Final Order		NEUTRAL	Andrew Busz Andrewb@wsha.org
3	WAC 192-800-150 Can an employee designate a representative to act on their behalf?	Employment Security Department	The amended rule provides guidance regarding who may file an initial application and weekly claims on behalf of a deceased employee. The rule also clarifies that the application and/or claim filed by specified parties may be filed up to and including the week in which the employee died.	06/14/20	Final Order		NEUTRAL	David Streeter DavidS@wsha.org

PRIORITY	Primary	AGENCY	DESCRIPTION	Effective Date	Final Order	Extra Materials	WSHA Position/Impact	WSHA CONTACT
3	WAC 192-630-015 How will a determination be made about an employee's eligibility for benefits?	Employment Security Department	This rule amendment will provide guidance to interested parties regarding the notification they will receive when the department makes a determination on an employee's initial application for benefits.	06/14/20	Final Order		NEUTRAL	David Streeter DavidS@wsha.org
3	COVID-19: NAC/NAR Training Requirements	Department of Health	These rules apply to specific training requirements for NAC and NAR. The amendments will allow the commission to survey online classes approved by the commission, assist with demonstration of skills in a lab prior to clinical training, allow program directors to award clinical hours for NAR work, and provide instructions for documenting these work hours. More health care professionals will become available to respond to current demands because of these changes.	06/26/20	Emergency Rule		SUPPORT	Alicia Eyler aliciae@wsha.org
3	COVID-19: Unemployment Benefit Charges	Employment Security Department	The employment security department is adopting this emergency rule to provide relief from unemployment benefit charges for employers who had employees collect unemployment benefits because the employee received a direct request from a medical professional, local health official or the secretary of health to be isolated or quarantined as a consequence of COVID-19, even if the employee was not actually diagnosed with COVID-19. Unemployment benefits paid to these individuals will not be charged to the experience rating account of their employers and will not count against their employer's in the calculation of their tax rates in future years.	06/30/20	Emergency Rule		SUPPORT	David Streeter DavidS@wsha.org
3	Unemployment Benefit Charge Relief	Employment Security Department	The Employment Security Department is adopting this emergency rule to provide relief from unemployment benefit charges for employers who had employees collect unemployment benefits because the employee received a direct request from a medical professional, local health official or the Secretary of Health to be isolated or quarantined as a consequence of COVID-19, even if the employee was not actually diagnosed with COVID-19. Unemployment benefits paid to these individuals will not be charged to the experience rating account of their employers and will not count against their employer's in the calculation of their tax rates in future years.	06/30/20	Emergency Rule		SUPPORT	David Streeter DavidS@wsha.org

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3	Long Term Care Facility Rates	Health Care Authority	The health care authority (HCA) in conjunction with the aging and long-term support administration, department of social and health services (DSHS), intends to submit medicaid state plan amendment (SPA) 20-00XX in order to increase the medicaid rates for assisted living facilities, adult family homes, adult day health, agency providers, independent providers, nursing facilities and for nursing facility swing beds. These changes are due to an increase in appropriation from the state legislature. Additionally, this proposed Amendment will modify the nursing facility COVID-19 related add-on of \$27 to \$13. The proposed effective date of these changes in [is] July 1, 2020.	07/01/20	Notice		SUPPORT	Andrew Busz Andrewb@wsha.org
3	Vitamin E Acetate Ban	Washington State Board of Health	The Washington state board of health has adopted an emergency rule to continue the ban on the sale of vapor products containing vitamin E acetate. This applies to the sale, offer for sale, or possession with intent to sell or offer for sale vapor products containing vitamin E acetate at any location or by means including by telephone or other method of voice transmission, the mail or any other delivery service or the internet or other online service.	07/17/20	Emergency Rule		SUPPORT	David Streeter DavidS@wsha.org
3	COVID-19: Electronic Document Filing	Department of Health	This emergency rule amends the procedural rules applicable to adjudicative proceedings conducted by the Department of Health and health professions boards and commissions in order to facilitate filing and serving documents during the restrictions put in place by the governor in response to the pandemic.	07/28/20	Emergency Rule		SUPPORT	David Streeter DavidS@wsha.org
3	Long-Term Care Services Training	Department of Social and Health Services	The department is amending and adding new sections to chapter 388-112A WAC, Residential long-term care services training.	07/31/20	Final Order		MONITOR	Alicia Eyler aliciae@wsha.org
3	Long Term Care Asset Transfers	Health Care Authority	The agency is amending these sections to provide clarity that certain asset transfers can still cause a penalty, even if compensation is made.	08/01/20	Final Order		NEUTRAL	Andrew Busz Andrewb@wsha.org
3	Adverse Notifications	Office of the Insurance Commissioner	Intended to increase consumer awareness of available agency assistance and to help consumers with their insurance questions by requiring contact information for the Office of the Insurance Commissioner on adverse notifications.	08/01/20	Final Order	Proposed rule language:	SUPPORT	Shirley Prasad ShirleyP@wsha.org

PRIORITY	Primary	AGENCY	DESCRIPTION	Effective Date	Final Order	Extra Materials	WSHA Position/Impact	WSHA CONTACT
3	Kidney Disease Treatment Facilities Applications	Department of Health	Allowing flexibility for the kidney disease treatment facility concurrent review start cycle will allow additional time for kidney disease treatment facility applicants to fulfill their obligations during the current public health emergency created by the COVID-19 pandemic. Observing the time requirements of notice and opportunity to comment upon adoption of a permanent rule would be contrary to the public interest and the governor's order. This allows kidney disease treatment facilities to focus on immediate needs of patients during the COVID-19 response as well as time and capacity to submit quality applications that satisfy regulatory requirements. Failure to extend deadlines would result in potentially less applicants for additional kidney dialysis stations in communities of need.	08/26/20	Emergency Rule		MONITOR	David Streeter DavidS@wsha.org Zosia Stanley zosias@wsha.org
3	Ambulance Transportation	Health Care Authority	Ambulance Transportation: The Health Care Authority is revising WAC 182-546-0001 through 182-546-4600 to update ambulance program policies, clarify existing policies and coverage, remove outdated information, update erroneous rule citations, and perform other housekeeping fixes. The agency began this process under WSR 14-03-080, but the project was placed on hold several times to allow for other related ambulance transportation rulemakings to occur within this chapter, such as GEMT program, Ricky Garcia Act, Treat and Refer. The agency is now restarting this project and wants to make sure that our interested stakeholder list is current.	09/06/20	Final Order		MONITOR	Alicia Eyler aliciae@wsha.org
3	HCA Income Exemptions Update to WAC 182-509	Health Care Authority	HCA Income Exemptions Update to WAC 182-509 - HCA is amending these WACs to align income exemptions with the Internal Revenue Code and to make other updates.	09/17/20	Final Order		NEUTRAL	Andrew Busz Andrewb@wsha.org
3	PA's Ordering Home Health Services	Department of Health	The Department of Health is adopting an emergency rule to amend WAC 246-335-510(3) to include physician assistants in the list of practitioners authorized to order home health services and to sign plans of care to match federal and state regulation changes due to the coronavirus disease (COVID-19) pandemic.	09/29/20	Emergency Rule		SUPPORT	Alicia Eyler aliciae@wsha.org
3	COVID-19: NAC/NAR Training Requirements	Department of Health	These rules apply to specific training requirements for NAC and NAR. The amendments will allow the commission to survey online classes approved by the commission, assist with demonstration of skills in a lab prior to clinical training, allow program directors to award clinical hours for NAR work, and provide instructions for documenting these work hours. More health care professionals will become available to respond to current demands because of these changes.	10/23/20	Emergency Rule		SUPPORT	Alicia Eyler aliciae@wsha.org

PRIORITY	Primary	AGENCY	DESCRIPTION	Effective Date	Final Order	Extra Materials	WSHA Position/Impact	WSHA CONTACT
3	Occupational exposure to bloodborne pathogens	Department of Labor & Industries	The purpose of this proposal is to update a reference to align with RCW 70.24.017. The proposal also includes a housekeeping update as well as reformatting to reflect clear rule writing. No requirements are affected.	10/23/20	Final Order		NEUTRAL	David Streeter
3	Managed Care Choice and Assignment	Health Care Authority	The agency is amending WAC 182-538-060 and 182-538-067 to help ensure (1) the viability of Apple Health Integrated Managed Care (IMC) plans; (2) adequate performance by the IMC plans; (3) sufficient access to care for Medicaid clients in IMC; and (4) the continued availability of an adequate network of physical and behavioral health providers in IMC plans. HCA is amending WAC 182-538-060 to limit the auto-assignments of Medicaid clients to IMC plans. In particular, HCA will prevent auto-assignments of new clients to any plan that has a statewide market share of greater than 40% in Apple Health IMC. This rule does not affect voluntary plan choices by clients, the Family Connect policy, or the Plan Reconnect policy. HCA is amending WAC 182-538-067 to clarify when the agency will adjust the number of its IMC plans, either overall or on a region-to-region basis. In determining whether to make any such adjustment, HCA will consider statutory requirements as well as enrollment needs, the performance of the plans with respect to behavioral health integration, and the promotion of access to care for behavioral health services.	10/25/20	Final Order		MONITOR	Shirley Prasad ShirleyP@wsha.org
3	Refugee Medical Assistance	Health Care Authority	The agency is amending subsection (8) of WAC 182-507-0130 to specify circumstances under which an individual may receive additional months of refugee medical assistance benefits. During the course of this review, the agency may identify additional related changes that are required in order to improve clarity or update policy.	11/08/20	Final Order		SUPPORT	Alicia Eyler aliciae@wsha.org
3	COVID-19: Electronic Document Filing	Department of Health	This emergency rule amends the procedural rules applicable to adjudicative proceedings conducted by the Department of Health and health professions boards and commissions in order to facilitate filing and serving documents during the restrictions put in place by the governor in response to the pandemic.	11/26/20	Emergency Rule		SUPPORT	David Streeter DavidS@wsha.org

PRIORITY	Primary	AGENCY	DESCRIPTION	Effective Date	Final Order	Extra Materials	WSHA Position/Impact	WSHA CONTACT
3	Consolidated Health Care Rulemaking	Health Care Authority	In 2019 and 2020, the legislature enacted several new laws including SHB 2338, ESHB 2642, ESHB 1879 and SSB 5889 that relate to accessing and receiving health care services and benefits through health plans, short term limited duration medical plans and student health plans. Multiple provisions of OIC rules in chapter 284-43 WAC must be amended to be consistent with the new laws. This consolidated rulemaking proceeding is necessary to ensure that rules are adopted by OIC prior to January 1, 2021.	12/24/20	Final Order	Rule Page	MONITOR	Shirley Prasad ShirleyP@wsha.org
4	Reference Updates for Washington Medical Commission	Washington Medical Commission	The Washington medical commission (commission) is adopting amendments to these sections of rule to change all references to medical quality assurance commission to Washington medical commission in accordance with SB 5764 (chapter 55, Laws of 2019).	04/25/20	Final Order		SUPPORT	David Streeter DavidS@wsha.org
4	Medical Marijuana Consultant CPR Certification	Department of Health	Current rules require an applicant to obtain a cardiopulmonary resuscitation (CPR) card from a course that includes both written examination and skills demonstration in order to receive or renew their certification. The Department of Health is amending this rule to temporarily suspend the skills demonstration portion of the CPR requirement. This emergency rule allow[s] an applicant to move forward in the application process without the need to obtain CPR training from an in-person training course and allow them to continue with licensure and serving the cannabis patient community.	06/01/20	Emergency Rule		NEUTRAL	Alicia Eyler aliciae@wsha.org
4	Apple Health Income Eligibility	Health Care Authority	In response to the current public health emergency surrounding the outbreak of the coronavirus disease (COVID-19), along with the governor of Washington's emergency proclamations related to COVID-19, this rule making is necessary to preserve the public health, safety, and general welfare by identifying income that the agency does not count when determining apple health eligibility.	06/05/20	Emergency Rule		SUPPORT	Andrew Busz Andrewb@wsha.org Alicia Eyler aliciae@wsha.org

PRIORITY	Primary	AGENCY	DESCRIPTION	Effective Date	Final Order	Extra Materials	WSHA Position/Impact	WSHA CONTACT
4	Apple Health Eligibility Emergency Rule	Health Care Authority	Since the previous emergency rule making filed under WSR 20-13-013, the health care authority (HCA) revised the emergency text and is working through the review steps for the permanent rule-making process. HCA revised the rule text in subsection (1) to remove the word "Economic" from Federal Pandemic Unemployment Compensation and added the acronym FPUC. HCA added a new subsection (3) which disregards all unemployment compensation issued as a result of the federal Disaster Relief Fun [Fund] authorized for states to offset lost wages due to the COVID-19 pandemic, known as lost wage assistance. This additional language aligns with the state plan. HCA also clarified in subsection (7) that any income received as unemployment compensation not described within this section is otherwise countable and the agency counts it when determining MAGI-based apple health eligibility. MAGI-based was missing from the previous revision.	10/02/20	Emergency Rule		SUPPORT	Andrew Busz Andrewb@wsha.org Alicia Eyler aliciae@wsha.org