



# PREPROPOSAL STATEMENT OF INQUIRY

**CR-101 (June 2004)**  
(Implements RCW 34.05.310)  
Do **NOT** use for expedited rule making

**Agency:** Health Care Authority, Washington Apple Health

**Subject of possible rule making:**

New Section WAC 182-550-4940 Disproportionate share hospital payments – recoupment and redistribution of overpayments; other rules as appropriate

**Statutes authorizing the agency to adopt rules on this subject:** RCW 41.05.021, 42 CFR Part 455, Subpart F.

**Reasons why rules on this subject may be needed and what they might accomplish:**

Beginning with the audit of SFY 2011 DSH payments, independent audit findings demonstrating that DSH payments made to a hospital in that year exceeded the documented hospital-specific cost limits, are considered a discovery of an overpayment under 42 CFR Part 433, Subpart F. The agency must establish rules regarding recoupment of the overpayment and to allow for redistribution of the DSH overpayments in accordance with the agency's state plan.

**Identify other federal and state agencies that regulate this subject and the process coordinating the rule with these agencies:**

Centers for Medicare & Medicaid (CMS)

**Process for developing new rule (check all that apply):**

- Negotiated rule making
- Pilot rule making
- Agency study
- Other (describe)

HCA welcomes the public to take part in developing this rule. If interested, contact the person identified below to receive an early rule draft to review. After the early review, HCA will send a notice of proposed rulemaking (CR-102) to everyone receiving this notice and anyone who requests a copy.

**How interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication:**

Contact:  
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**DATE**  
May 28, 2014

**NAME (TYPE OR PRINT)**  
Kevin M. Sullivan

**SIGNATURE**

*Kevin M. Sullivan*

**TITLE**  
HCA Rules Coordinator

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STATE OF WASHINGTON  
FILED

**DATE: May 28, 2014**

**TIME: 1:23 PM**

**WSR 14-12-036**