

WSR 23-14-126

AGENDA

HEALTH CARE AUTHORITY

[Filed July 5, 2023, 10:56 a.m.]

The Washington health care authority (HCA) prepares a semi-annual rule-making agenda in January and July each year for publication in the Washington State Register pursuant to RCW 34.05.314. This report details current and anticipated rule-making activities for HCA. Additional rule-making activity may occur which is not listed on this agenda as conditions warrant.

Rule-making information is available on HCA's website <https://www.hca.wa.gov/about-hca/rulemaking>.

To be notified of any changes, you may sign up for email notifications https://public.govdelivery.com/accounts/WAHCASUBSCRIBER/new?qs=WAHCA_10.

If you have questions about this rule-making agenda, contact Wendy Barcus, Rules Coordinator, P.O. Box 42716, Olympia, WA 98504-2716, phone 360-725-1306, email wendy.barcus@hca.wa.gov.

**Semi-Annual Rule-Making Agenda
July through December 2023**

WAC Chapter	Rule Subject	Current Activity		
		Preproposal Notice CR-101	Proposed Rule CR-102 (Public Hearing) or CR-105 (Expedited)	Emergency CR-103E
HEALTH CARE AUTHORITY – GENERAL				
New chapter 182-52	Establishment of prescription drug affordability board (2SSB 5532)	WSR 22-15-035 Filed 7/14/2022		
New chapter 182-80	Primary care transformation model— Provider certification	WSR 23-01-066 Filed 12/14/2022 Withdrawn WSR 23-06-071 Filed 3/1/2023		
BEHAVIORAL HEALTH				
New chapter 182-120	Antipsychotic medication rights and less restrictive alternative treatment	WSR 20-09-130 Filed 4/21/2020		
182-135	Recovery residence program	WSR 23-11-079 Filed 5/17/2023		
PUBLIC EMPLOYEE BENEFITS (PEB)				
182-12-5000	Retirees who regained eligibility for public employees benefits board (PEBB) retiree insurance coverage as authorized in SSB 5490, chapter 15, Laws of 2023, 68 th legislature, 2023 regular session			CR-103E WSR 23-12-019 Effective 5/25/2023
182-12-5100	What options for health plan enrollment are available to a retired employee of an employer group that previously ended participation in PEBB insurance coverage, as authorized in SSB 1804, section 3, chapter 312, Laws of 2023.			CR-103E WSR 23-12-057 Effective 6/2/2023
<i>New rules – number not assigned yet</i>	Rules related to SHB 1804			<i>HCA intends to file rule making within the next six months.</i>
<i>New rules – number not assigned yet</i>	Rules related to HB 1008			<i>HCA intends to file rule making within the next six months.</i>
SCHOOL EMPLOYEE BENEFITS (SEB)				
182-30-5000 182-30-5010	SEB board employer groups, as authorized in SSB 5275, chapter 13, Laws of 2023			CR-103E WSR 23-14-095 Effective 7/23/2023
WASHINGTON APPLE HEALTH (MEDICAID)				

WAC Chapter	Rule Subject	Current Activity		
		Preproposal Notice CR-101	Proposed Rule CR-102 (Public Hearing) or CR-105 (Expedited)	Emergency CR-103E
182-500-0030 182-502-0002 182-502-0016 182-502-0020 182-502-0100 chapters 182-551, 182-538	Electronic visit verification for home health care services	WSR 23-10-019 Filed 4/25/2023		
182-500-0075 182-500-0085 182-502-0005 182-502-0030 182-502-0270 chapter 182-530 182-531-0250	Termination of provider enrollment—For cause	WSR 23-10-033 Filed 4/27/2023		
182-500-0010 182-500-0095 182-500-0100	Definitions—A, R, and S	<i>HCA intends to begin rule making soon</i>		
182-501-0200	Third party liability (TPL)—To align with recent amendments to Social Security Act 1902 (a)(25)(l) due to the Consolidated Appropriations Act 2022; P.L. 117-103	WSR 23-14-106 Filed 7/3/2023		
182-504-0015 182-504-0035 182-505-0210	Children continued coverage	WSR 23-14-092 Filed 6/30/2023		CR-103E WSR 23-14-090 Effective 6/30/2023
182-504-0035	Washington apple health—Renewals	WSR 23-12-049 Filed 6/1/2023		
182-503-0535 182-507-0135	Washington apple health—Citizenship and immigration status; immigration status requirement for medical assistance	WSR 23-14-014 Filed 6/23/2023		CR-103E WSR 23-14-013 Effective 6/22/2023
WASHINGTON APPLE HEALTH (MEDICAID) (Cont.)				
182-509-0300 182-509-0305 182-512-0880	SSI-related medical—Special income disregards; modified adjusted gross income (MAGI); MAGI income—Persons subject to the MAGI methodology	WSR 23-05-107 Filed 2/15/2023	CR-102 WSR 23-08-062 Public hearing scheduled for 5/9/2023. CR-102 withdrawn under WSR 23-10-020 before hearing held.	
182-513-1625 182-513-1635 182-513-1640	Tailored supports for older adults—Applications, income eligibility, and resource eligibility	WSR 22-17-082 Filed 8/17/2022		CR-103E WSR 23-14-097 Effective 7/1/2023
182-513-1100	Definitions related to long-term services and supports	<i>HCA intends to begin rule making soon</i>		
182-521-0200	Coverage after the public health emergency ends	WSR 23-08-071 Filed 4/4/2023	CR-102 WSR 23-13-005 Public hearing scheduled for 7/25/2023	
182-530-1050 182-530-7100 182-530-7250 182-530-7900 182-531-0050 182-531-1625 182-532-001 182-532-140 182-532-550	Billing requirements for fee-for-service drugs by providers subject to the 340B program requirements	WSR 23-07-015 Filed 3/3/2023		
182-531-0200 182-531-0200 182-547-0850	Coverage for adult cochlear implants	<i>HCA intends to begin rule making soon</i>		
182-531-1850	Payment methodology for physicians-related services—General and billing modifiers	WSR 22-17-048 Filed 8/11/2022	CR-102 WSR 23-13-083 Public hearing scheduled for 7/25/2023	
182-531-2040	Enhanced reimbursement—Medication assisted treatment for opioid use disorder	WSR 23-08-060 Filed 4/3/2023	CR-102 WSR 23-13-103 Public hearing scheduled for 7/25/2023	
WASHINGTON APPLE HEALTH (MEDICAID) (Cont.)				

WAC Chapter	Rule Subject	Current Activity		
		Preproposal Notice CR-101	Proposed Rule CR-102 (Public Hearing) or CR-105 (Expedited)	Emergency CR-103E
182-531A-0200 182-531A-0400 182-531A-0500 182-531A-0600 182-531A-0800	Applied behavior analysis	WSR 23-13-023 Filed 6/9/2023		
182-532-510	Family planning only	<i>HCA intends to begin rule making soon</i>		
182-532 (New section(s)); and 182-502-0002	Maternity related services—Birth doula services. Eligible provider types—Adding birth doula.	<i>HCA intends to begin rule making soon</i>		
182-535-1088	Dental-related services—Covered periodontic services	WSR 23-13-022 Filed 6/9/2023		
182-535A-0040	Orthodontic treatment and orthodontic-related services—Covered, noncovered, and limitations to coverage	WSR 23-13-024 Filed 6/9/2023		
182-546 (Multiple sections)	Transportation services—Nonemergency transportation	WSR 22-24-114 Filed 12/7/2022	CR-102 WSR 23-14-121 Public hearing scheduled for 8/8/2023	
182-550-2900 182-550-3800 182-550-3830 182-550-4500 182-550-7200 182-550-7550 182-550-8000 180-550-8100	Hospital—General policy updates	WSR 23-13-104 Filed 6/20/2023		
182-550-4400 182-550-4550 182-550-4800	Exempt from DRG payment; Administrative swing day rate and swing bed day rate; Hospital payment methods—State-administered programs	WSR 23-13-105 Filed 6/20/2023		
182-550-2600	Inpatient psychiatric services	WSR 20-21-106 Filed 10/21/2020 Withdrawn WSR 23-12-010 Filed 5/25/2023		
182-550-1100 182-550-2750 182-550-4700 182-550-5425	Hospital rules—Correct typographical error and repealing rules no longer necessary		CR-105 WSR 23-14-023 Filed 6/23/2023 Comments due 6/9/2023	
182-558	Premium payment program	WSR 23-07-109 Filed 3/20/2023		
WASHINGTON APPLE HEALTH (MEDICAID) (Cont.)				
New chapter 182-561	Community behavioral health support services	WSR 22-09-074 Filed 4/19/2022	CR-102 WSR 23-08-048 Public hearing scheduled for 5/9/2023. CR-102 withdrawn under WSR 23-10-020 before hearing held.	
WASHINGTON APPLE HEALTH (EXPANSION)				
<i>New rules – number not assigned yet</i>	Rules related to ESSB 5187.SL, Section 211(83)	WSR 23-14-063 Filed 6/28/2023		

KEY :

CR: "Code reviser" on the rule-making forms produced by the office of the code reviser.

CR-101: Preproposal statement of inquiry filed under RCW 34.05.310.

CR-102: Proposed rule-making notice filed under RCW 34.05.320 or 34.05.340.

CR-103: Rule-making order permanently adopting a rule, and filed under RCW 34.05.360 and 34.05.380.

CR-105: Expedited rule-making proposal filed under RCW 34.05.353.

RCW: Revised Code of Washington.

WAC: Washington Administrative Code.

WSR: Washington State Register official filing reference number given by the office of the code reviser when a notice is filed.

Wendy Barcus
Rules Coordinator