

WSR 23-13-023
PREPROPOSAL STATEMENT OF INQUIRY
HEALTH CARE AUTHORITY

[Filed June 9, 2023, 2:01 p.m.]

Subject of Possible Rule Making: WAC 182-531A-0200 Applied behavior analysis (ABA)—Definitions, 182-531A-0400 Applied behavior analysis (ABA)—Client eligibility, 182-531A-0500 Applied behavior analysis (ABA)—Stage one: COE evaluation and order, 182-531A-0600 Applied behavior analysis (ABA)—Stage two: Functional assessment and treatment plan development, and 182-531A-0800 Applied behavior analysis (ABA)—Provider requirements; other related rules as appropriate.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 41.05.021, 41.05.160.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The health care authority (HCA) is amending these rules to: (1) Remove language referencing a Center of Excellence (COE) as a facility rather than an individual provider; for the purposes of this chapter, COE means an individual provider. (2) Update the COE definition in WAC 182-531A-0200. (3) Add physician assistants and naturopaths to the list of eligible providers who can diagnose autism spectrum disorder. (4) Add additional clarification and requirement that ARNPs, physicians, physician assistants, and naturopaths must complete the required COE training authorized by HCA. Additionally, physician assistants and naturopaths, in order to be recognized as a COE by HCA, must submit a signed COE attestation form, HCA 13-0009, to HCA. (5) Remove subsection (12)(b); the attestation form regarding ABA qualifications, HCA 13-0008, is not required by the certified behavior technician. (6) Clarify in WAC 182-531A-0800(6) that all COEs must be enrolled with HCA and all COEs providing services to clients enrolled with a managed care organization (MCO) must also be contracted with the MCO per the MCO contract specifications in accordance with 42 C.F.R. 438.14 to be reimbursed for fee-for-service or MCO services. (7) Add housekeeping changes such as updating the term "clinician" to "provider" for language consistency and the term "order or ordered" to "prescribed or prescription" to align with standard of language that ABA therapy is a prescription. During the course of this review, HCA may identify additional related changes that are required in order to improve clarity or update policy.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: The Centers for Medicare and Medicaid Services.

Process for Developing New Rule: 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 rule making (CR-102) to everyone receiving this notice and anyone who requests a copy.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Valerie Freudenstein, Rule-Making Questions, P.O. Box 42716, Olympia, WA 98504-2716, phone 360-725-1344, fax 360-586-9727, telecommunication[s] relay service (TRS) 711, email valerie.freudenstein@hca.wa.gov, website www.hca.wa.gov/about-hca/rulemaking; or Alyssa Jennings, Program Questions, P.O. Box 45502, Olympia, WA 98504-5502, phone 360-725-1194, fax 360-586-9727, TRS 711, email Alyssa.jennings@hca.wa.gov, website www.hca.wa.gov/about-hca/rulemaking.

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