

WSR 23-18-078

PROPOSED RULES

HEALTH CARE AUTHORITY

[Filed September 5, 2023, 9:29 a.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 23-15-062.

Title of Rule and Other Identifying Information: WAC 182-533-0390 Childbirth education (CBE) classes.

Hearing Location(s): On October 10, 2023, at 10:00 a.m. The health care authority (HCA) holds public hearings virtually without a physical meeting place. To attend the virtual public hearing, you must register in advance https://us02web.zoom.us/webinar/register/WN_fMyM6MV1SmqpIcKuyrlgYQ. If the link above opens with an error message, please try using a different browser. After registering, you will receive a confirmation email containing information about joining the public hearing.

Date of Intended Adoption: October 11, 2023.

Submit Written Comments to: HCA Rules Coordinator, P.O. Box 42716, Olympia, WA 98504-2716, email arc@hca.wa.gov, fax 360-586-9727, by October 10, 2023, by 11:59 p.m.

Assistance for Persons with Disabilities: Contact Johanna Larson, phone 360-725-1349, fax 360-586-9727, telecommunication[s] relay service 711, email Johanna.larson@hca.wa.gov, by September 29, 2023.

Purpose of the Proposal and Its Anticipated Effects, Including Any Changes in Existing Rules: HCA is amending this rule to include criteria to allow HCA-approved online classes with a one-on-one check-in with the client and qualified CBE provider during or after the on-line classes [that] have been completed by the client.

Reasons Supporting Proposal: See purpose.

Statutory Authority for Adoption: RCW 41.05.021, 41.05.160.

Statute Being Implemented: RCW 41.05.021, 41.05.160.

Rule is not necessitated by federal law, federal or state court decision.

Name of Proponent: HCA, governmental.

Name of Agency Personnel Responsible for Drafting: Valerie Freudenstein, P.O. Box 42716, Olympia, WA 98504-2716, 360-725-1344; Implementation and Enforcement: Heather Weiher, P.O. Box 45530, Olympia, WA 98504-5530, 360-725-1293.

A school district fiscal impact statement is not required under RCW 28A.305.135.

A cost-benefit analysis is not required under RCW 34.05.328. RCW 34.05.328 does not apply to HCA rules unless requested by the joint administrative rules review committee or applied voluntarily.

Scope of exemption for rule proposal from Regulatory Fairness Act requirements:

Is not exempt.

The proposed rule does not impose more-than-minor costs on businesses. Following is a summary of the agency's analysis showing how costs were calculated. HCA is amending these rules to provide more precise language to define the program parameters and ensure consistency. This change does not impose a more-than-minor cost.

September 5, 2023

Wendy Barcus
Rules Coordinator

OTS-4863.1

AMENDATORY SECTION (Amending WSR 19-06-026, filed 2/28/19, effective 4/1/19)

- WAC 182-533-0390 Childbirth education (CBE) classes.** (1) Purpose. The purpose of childbirth education (CBE) classes is to help prepare the client and the client's support person(s):
- (a) For the physiological, emotional, and psychological changes experienced during and after pregnancy;
 - (b) To develop self-advocacy skills;
 - (c) To increase knowledge about and access to local community resources;
 - (d) To improve parenting skills; and
 - (e) To improve the likelihood of positive birth outcomes.
- (2) Definitions. The definitions in chapter 182-500 WAC, medical assistance definitions, and WAC 182-533-0315, maternity support services definitions, also apply to this section.
- (3) Client eligibility. To be eligible for CBE classes, a client must be:
- (a) Pregnant; and
 - (b) Covered under one of the medical assistance programs described in WAC 182-533-0320 (1)(a)(i) and (iv).
- (4) Provider requirements. To be paid for providing CBE classes to eligible clients, an approved instructor must:
- (a) Have a core provider agreement on file with the (~~health care authority (the))~~ agency(~~(+))~~);
 - (b) Ensure that individuals providing CBE classes or following up during or after the completion of online classes have credentials and/or certification as outlined in the agency's current published billing instructions;
 - (c) Deliver CBE classes:
 - (i) In a series of group sessions; ((and)) or
 - (ii) Through online classes approved by the agency; and
 - (d) Provide curriculum containing topics outlined in the agency's CBE curriculum checklist found in the agency's current published billing instructions. Topics include, but are not limited to:
 - (i) Pregnancy;
 - (ii) Labor and birth;
 - (iii) Newborns; and
 - (iv) Family adjustment.
- (5) Documentation. Providers must:
- (a) Follow the health care record requirements found in WAC 182-502-0020; and
 - (b) Maintain the following additional documentation:
 - (i) An original or electronically signed copy of each client's Freedom of (~~Choice/Consent~~) Choice form and Consent for Services form;
 - (ii) A client sign-in sheet or log-in verification for each class; and
 - (iii) Names and ProviderOne Client ID numbers of eligible clients attending CBE classes and the date(s) they participated in each CBE class.
 - (6) Coverage.
 - (a) The agency covers one CBE class series per client, per pregnancy. In order for the provider to be reimbursed:

(i) The client must attend at least one CBE session ((for the provider to be paid) or agency-approved online CBE class; and

(ii) The provider must follow up with clients participating in online classes through a telemedicine, including audio-only, visit or an in-person visit. If the client does not appear for the follow up visit, the provider must attempt to connect with the client one more time before billing the agency.

(b) CBE classes must include a minimum of six hours of instruction and are subject to the restrictions and limitations in this section and other applicable WAC.

(7) Payment. The agency pays for the CBE classes described in subsection (6) of this section on a fee-for-service basis subject to the following:

(a) CBE must:

(i) Include all classes, core materials, publications, and educational materials provided throughout the class series. Clients must receive the same materials as are offered to other attendees; and

(ii) Be billed according to the agency's current published billing instructions.

(b) The provider must accept the agency's fee as payment in full for classes provided to a client in accordance with 42 C.F.R. § 447.15.

[Statutory Authority: RCW 41.05.021 and 41.05.160. WSR 19-06-026, § 182-533-0390, filed 2/28/19, effective 4/1/19. Statutory Authority: RCW 41.05.021 and 2011 c 5. WSR 12-01-097, § 182-533-0390, filed 12/20/11, effective 1/20/12. WSR 11-14-075, recodified as § 182-533-0390, filed 6/30/11, effective 7/1/11. Statutory Authority: RCW 74.08.090, 74.09.760 through 74.09.910. WSR 04-13-049, § 388-533-0390, filed 6/10/04, effective 7/11/04.]