

WSR 21-14-011

PROPOSED RULES

HEALTH CARE AUTHORITY

[Filed June 24, 2021, 10:56 a.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 20-15-124.

Title of Rule and Other Identifying Information: WAC 182-125-0100 Tribal-designated crisis responder.

Hearing Location(s): On August 10, 2021, at 10:00 a.m. In response to the coronavirus disease 2019 (COVID-19) public health emergency, the health care authority (HCA) is not providing a physical location for this hearing. This promotes social distancing and the safety of the residents of Washington state. A virtual public hearing, without a physical meeting space, will be held instead.

To attend the virtual public hearing, you must register in advance https://zoom.us/webinar/register/WN_4prz5EyITyWE17yOgcjWwg. After registering, you will receive a confirmation email containing information about joining the public hearing.

Date of Intended Adoption: Not sooner than August 11, 2021.

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 August 10, 2021.

Assistance for Persons with Disabilities: Contact Amber Lougheed, phone 360-725-1349, fax 360-586-9727, telecommunication[s] relay service 711, email amber.lougheed@hca.wa.gov, by July 30, 2021.

Purpose of the Proposal and Its Anticipated Effects, Including Any Changes in Existing Rules: Chapter 256, Laws of 2020, among other things, amended RCW 71.05.020(15)'s definition of "designated crisis responder" to include a mental health professional appointed by HCA in consultation with a federally recognized Indian tribe or after meeting and conferring with an Indian health care provider. HCA is adopting a new rule to govern this appointment process.

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.

Agency Comments or Recommendations, if any, as to Statutory Language, Implementation, Enforcement, and Fiscal Matters: Not applicable.

Name of Proponent: HCA, governmental.

Name of Agency Personnel Responsible for Drafting: Brian Jensen, P.O. Box 42716, Olympia, WA 98504-2716, 360-725-0815; Implementation and Enforcement: Lucilla Mendoza, P.O. Box 45564, Olympia, WA 98504-5564, 360-725-1834.

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.

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. The proposed rule governs the agency's appointment of tribal-designated crisis responders and does not impose costs on businesses.

June 24, 2021

OTS-3169.1

Chapter 182-125 WAC
TRIBAL-DESIGNATED CRISIS RESPONDERNEW SECTION

WAC 182-125-0100 Tribal-designated crisis responder. (1) The Washington state health care authority (the authority) appoints a tribal-designated crisis responder upon request and after consultation with one or more federally recognized Indian tribes or after meeting and conferring with one or more Indian health care providers. This rule does not apply to matters heard in tribal court.

(2) This rule does not apply to counties' independent authority to appoint designated crisis responders in collaboration with tribes under RCW 71.05.020(15). This rule does not eliminate the responsibility of the agency providing crisis services to serve American Indian/Alaska Native individuals.

(3) A tribal-designated crisis responder must meet the qualifications under RCW 71.05.760.

(4) A tribe or Indian health care provider located in Washington state may request that the authority appoint a qualified person as a tribal-designated crisis responder by submitting a letter of recommendation that includes the following:

(a) The person's name and contact information.

(b) An explanation of how the person meets the qualifications under RCW 71.05.760, including dates on which the person completed or will complete required designated crisis responder training.

(c) A copy of the policy and procedures for the designated crisis responder services. The policy and procedures must describe the tribe's or Indian health care provider's plan for training, back-up, information sharing, and communication for designated crisis responders who respond to private homes or nonpublic settings.

(d) A copy of the tribe's or Indian health care provider's behavioral health agency license and certification or attestation to provide emergency involuntary detention services under WAC 246-341-0810, including documentation of any applicable exemptions under WAC 246-341-0302.

(5) Upon appointment, the authority:

(a) Issues a certification and tribal-designated crisis responder card to the requesting tribe or Indian health care provider.

(b) Notifies all behavioral health administrative services organizations, tribal courts, and superior courts.

(6) Within twenty-four hours of responding to an event or as soon as feasible, tribal-designated crisis responders serving as officers of a superior court must submit involuntary treatment information to the Washington Indian behavioral health hub, a statewide resource sup-

ported by the authority and the department of health for the purpose of assisting American Indian and Alaska Native individuals and their providers to refer individuals to voluntary and involuntary crisis services, including evaluation and treatment facilities and withdrawal management and stabilization facilities.

(7) The Washington Indian behavioral health hub must submit all tribal-designated crisis responder data related to tribal-designated crisis responders' service as officers of a superior court to the authority within twenty-four hours of receiving the data or as soon as feasible.

(8) Tribal-designated crisis responders must comply with reporting requirements pertaining to no bed available reports under RCW 71.05.750. A tribal-designated crisis responder may submit a request for a single bed certification under RCW 71.05.745.

(9) Tribal-designated crisis responders designated by the authority may operate anywhere in Washington state and provide services to any person in Washington state.

(10) The local designated crisis responder office for any region in which a tribal-designated crisis responder provides services is expected to provide technical assistance if requested.

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