

WSR 13-02-084**PREPROPOSAL STATEMENT OF INQUIRY****DEPARTMENT OF****SOCIAL AND HEALTH SERVICES**

(Aging and Disability Services Administration)

[Filed December 31, 2012, 2:40 p.m.]

Subject of Possible Rule Making: The department is creating a new rule that pertains specifically to the certification and/or licensing of applied behavior analysis (ABA) autism services provided in a behavioral health treatment agency. Other rules are being amended as necessary due to the requirements of the new rule. The department may adopt other new rules or repeal other rules as necessary.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 34.05.350, 43.20A.550, 71.24.035, 74.04.-050.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: Creating a new rule and amending other rules specific to the certification and/or licensing of ABA autism services is necessary due to the results of a settlement agreement between Washington Autism Alliance and Advocacy, et al., and the health care authority (HCA). The settlement agreement requires HCA to provide coverage of ABA autism services for individuals eligible under medicaid's "early periodic screening diagnosis and treatment" (EPSDT) benefit. The new rules will establish certification standards for ABA program services. Behavioral health services agencies that choose to provide ABA autism services will be affected by these rules. The rules will coordinate with the department's proposal of new chapters 388-877 and 388-877A WAC that will allow DBHR-licensed and/or DBHR-certified agencies that treat patients with substance abuse, gambling, autism, and/or mental health conditions to meet one set of rules rather than multiple sets of rules. Other policy changes on these subjects may be incorporated into this rule making; other WAC sections may need to be updated as a result of this rule making.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: The department is coordinating this rule making with HCA.

Process for Developing New Rule: DSHS welcomes the public to take part in developing the rules. Anyone interested should contact the staff person identified below. At a later date, DSHS will file a proposal with the office of the code reviser with a notice of proposed rule making. A copy of the proposal will be sent to everyone on the mailing list and to 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 Kathy Sayre, DBHR Rules Manager, P.O. Box 45330, Olympia, WA 98504-5330, phone (360) 725-1342, fax (360) 586-0341, TTY 1-800-848-5429, e-mail kathy.sayre@dshs.wa.gov.

December 31, 2012
Katherine I. Vasquez
Rules Coordinator

WSR 13-02-092**PREPROPOSAL STATEMENT OF INQUIRY****DEPARTMENT OF****LABOR AND INDUSTRIES**

[Filed January 2, 2013, 9:22 a.m.]

Subject of Possible Rule Making: Chapter 296-14 WAC, Industrial insurance and chapter 296-20 WAC, Medical aid rules.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 51.04.020, 51.04.030, and 51.32.090(11).

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The department of labor and industries adopts rules governing the administration and implementation of the industrial insurance laws. This rule making is necessary to:

- Amend the definition of "temporary partial disability," also known as "loss of earning power" (LEP), in WAC 296-20-01002, definitions for medical aid rules, and add a corresponding definition in chapter 296-14 WAC, Industrial insurance rules.
- Amend or repeal existing WAC sections, or adopt new WAC sections, as may be necessary to clarify LEP.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: None.

Process for Developing New Rule: Parties interested in these rules may contact the individual listed below. The public may also participate by commenting after amendments are proposed by providing written comments and/or testimony during the public hearing and comment process. Public hearings will be held after the proposal is filed.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Mark Rosen, Department of Labor and Industries, Insurance Services Division, P.O. Box 44208, Olympia, WA 98504-4208, phone (360) 902-6570, fax (360) 902-4960, e-mail mark.rosen@lni.wa.gov.

December 28, 2012

Judy Schurke

Director

WSR 13-02-093**PREPROPOSAL STATEMENT OF INQUIRY****DEPARTMENT OF****LABOR AND INDUSTRIES**

[Filed January 2, 2013, 9:23 a.m.]

Subject of Possible Rule Making: Chapter 296-15 WAC, Workers' compensation self-insurance rules and regulations and chapter 296-20 WAC, Medical aid rules.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 51.04.020 and 51.04.030.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The department of labor and industries (L&I) is considering adopting rules related to the use of medications to ensure safe, appropriate and effective

drug therapy designed to improve health outcomes for injured workers.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: Washington workers' compensation benefits are governed by Title 51 RCW, Washington's Industrial Insurance Act. No other state or federal agencies are responsible for interpreting and enforcing the provisions of this act.

Process for Developing New Rule: This rule will be developed in consultation with L&I's major stakeholders and other interested parties. Major stakeholder groups include, but are not limited to the Industrial Insurance Medical Advisory Committee (IIMAC) and the Workers' Compensation Advisory Committee (WCAC).

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Jami Lifka, L&I, Office of the Medical Director, P.O. Box 44321, Olympia, WA 98504-4321, e-mail Jami.Lifka@Lni.wa.gov, phone (360) 902-4941, or fax (360) 902-6315.

December 28, 2012
Judy Schurke
Director

Process for Developing New Rule: Submit written comments by February 15, 2013, to rulescoordinator@oic.wa.gov, fax (360) 586-3109.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Meg Jones, P.O. Box 40258, Olympia, WA 98504, e-mail rulescoordinator@oic.wa.gov, fax (360) 586-3109.

January 2, 2013
Mike Kreidler
Insurance Commissioner

WSR 13-02-095
PREPROPOSAL STATEMENT OF INQUIRY
OFFICE OF
INSURANCE COMMISSIONER

[Insurance Commissioner Matter No. R 2013-01—Filed January 2, 2013,
9:56 a.m.]

Subject of Possible Rule Making: Health product geographic rating areas.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 48.02.060, 48.44.050, 48.46.200.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: Rates must be developed for nongrandfathered individual and small group plans that are offered, issued or renewed on or after January 1, 2014, using rate development methodology required by section 2701 of the Public Health Service Act (PHSA). One of the required rating factors is geographic area; Washington law does not define specific permitted geographic areas. Proposed federal rules issued November 26, 2012 (proposed 45 C.F.R. 147.102 (b)(1)) require states to designate their geographic rating area(s), or United States Department of Health and Human Services (HHS) will designate a single geographic area for the state. Carriers have advised the commissioner that one geographic area would negatively affect rates; this proposed rule making focuses on selecting the geographic rating areas for Washington.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: HHS also regulates rate review of health plans and products. They have delegated this decision making to Washington state; coordination with them will consist of notifying them of the state's decision regarding geographic rating areas.