

**WSR 21-16-003**  
**EXPEDITED RULES**  
**HEALTH CARE AUTHORITY**

[Filed July 22, 2021, 9:42 a.m.]

Title of Rule and Other Identifying Information: WAC 182-531-0425 Collaborative care and 182-531-1710 Alcohol and substance misuse counseling.

Purpose of the Proposal and Its Anticipated Effects, Including Any Changes in Existing Rules: The health care authority (HCA) is amending these WAC sections to change "chemical dependency" to "substance use disorder." This is strictly a housekeeping fix to align with behavioral health integration. No policy is changing.

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: Michael Williams, P.O. Box 42716, Olympia, WA 98504-2716, 360-725-1346; Implementation and Enforcement: Joan Chappell, P.O. Box 55110, Olympia, WA 98504-5110, 360-725-1071.

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

This notice meets the following criteria to use the expedited adoption process for these rules:

Corrects typographical errors, make address or name changes, or clarify language of a rule without changing its effect.

**NOTICE**

THIS RULE IS BEING PROPOSED UNDER AN EXPEDITED RULE-MAKING PROCESS THAT WILL ELIMINATE THE NEED FOR THE AGENCY TO HOLD PUBLIC HEARINGS, PREPARE A SMALL BUSINESS ECONOMIC IMPACT STATEMENT, OR PROVIDE RESPONSES TO THE CRITERIA FOR A SIGNIFICANT LEGISLATIVE RULE. IF YOU OBJECT TO THIS USE OF THE EXPEDITED RULE-MAKING PROCESS, YOU MUST EXPRESS YOUR OBJECTIONS IN WRITING AND THEY MUST BE SENT TO HCA Rules Coordinator, P.O. Box 42716, Olympia, WA 98504-2716, phone 360-725-1306, fax 360-586-9272, email arc@hca.wa.gov, AND RECEIVED BY October 5, 2021.

July 22, 2021  
Wendy Barcus  
Rules Coordinator

AMENDATORY SECTION (Amending WSR 19-13-022, filed 6/10/19, effective 7/11/19)

**WAC 182-531-0425 Collaborative care.** (1) Under the authority of RCW 74.09.497, and subject to available funds, the medicaid agency covers collaborative care provided in clinical care settings.

(2) For the purposes of this section:

(a) **Collaborative care** means a specific type of integrated care where medical providers and behavioral health providers work together to address behavioral health conditions, including mental health conditions and substance use disorders.

(b) **Collaborative care model** is a model of behavior health integration that enhances usual clinical care by adding two key services:

(i) Care management support for clients receiving behavioral health treatment; and

(ii) Regular psychiatric or board certified addiction medicine consultation with the clinical care team, particularly for clients whose conditions are not improving.

(c) **Collaborative care team** means a team of licensed behavioral health professionals operating within their scope of practice who participate on the clinical care team along with the collaborative care billing provider to provide collaborative care to eligible clients. The team must include a collaborative care billing provider, a behavioral health care manager, and a psychiatric consultant. Professionals making up this team include, but are not limited to:

(i) Advanced registered nurses;

(ii) (~~Chemical dependency~~) Substance use disorder professionals (SUDP);

(iii) (~~Chemical dependency~~) Substance use disorder professional trainees (SUDPT) under the supervision of a certified (~~chemical dependency professional~~) SUDP;

(iv) Marriage and family therapists;

(v) Marriage and family therapist associates under the supervision of a licensed marriage and family therapist or equally qualified mental health practitioner;

(vi) Mental health counselors;

(vii) Mental health counselor associates under the supervision of a licensed mental health counselor, psychiatrist, or physician;

(viii) Physicians;

(ix) Physician assistants under the supervision of a licensed physician;

(x) Psychiatrists;

(xi) Psychiatric advanced registered nurses;

(xii) Psychologists;

(xiii) Registered nurses;

(xiv) Social workers;

(xv) Social worker associate-independent clinical, under the supervision of a licensed independent clinical social worker or equally qualified mental health practitioner; and

(xvi) Social worker associate-advanced, under the supervision of a licensed independent clinical social worker, advanced social worker, or equally qualified mental health practitioner.

(3) The behavioral health care manager is a designated licensed professional with formal education or specialized training in behavioral health (including social work, nursing, or psychology), working under the oversight and direction of the treating medical provider.

(4) The collaborative care billing provider must meet all of the following:

(a) Be enrolled with the agency as one of the following:

- (i) A physician licensed under Titles 18 RCW and 246 WAC;
  - (ii) An advanced registered nurse practitioner licensed under Titles 18 RCW and 246 WAC;
  - (iii) A federally qualified health center (FQHC);
  - (iv) A rural health clinic (RHC); or
  - (v) A clinic that is not an FQHC or RHC that meets the requirements of Titles 70 RCW and 247 WAC.
- (b) Complete, sign, and return the Attestation for Collaborative Care Model, form HCA 13-0017, to the agency; and
- (c) Agree to follow the agency's guidelines for practicing a collaborative care model.
- (5) Providers of collaborative care must:
- (a) Use a registry to track the client's clinical outcomes;
  - (b) Use at least one validated clinical rating scale;
  - (c) Ensure the registry is used in conjunction with the practice's electronic health records (EHR);
  - (d) Include a plan of care; and
  - (e) Identify outcome goals of the treatments.
- (6) If a provider no longer meets the agreed upon requirements in the agency's Attestation for Collaborative Care Model, form HCA 13-0017, the provider must immediately notify the agency. The agency does not pay for collaborative care if a provider does not meet the agreed upon requirements.
- (7) Providers are subject to post pay review by the agency. The agency may recoup payment if the provider is found to have not met the requirements for providing collaborative care as agreed to in the agency's Attestation for Collaborative Care Model, form HCA 13-0017.

**AMENDATORY SECTION** (Amending WSR 18-12-045, filed 5/30/18, effective 7/1/18)

**WAC 182-531-1710 Alcohol and substance misuse counseling.** (1) The medicaid agency covers alcohol and substance misuse counseling through screening, brief intervention, and referral to treatment (SBIRT) services when delivered by, or under the supervision of, a qualified licensed physician or other qualified licensed health care professional within the scope of their practice.

(2) SBIRT is a comprehensive, evidence-based public health practice designed to identify, reduce and prevent problematic use, abuse, and dependence on alcohol and illicit drugs. SBIRT can be used to identify people who are at risk for or have some level of substance use disorder which can lead to illness, injury, or other long-term morbidity or mortality. SBIRT services are provided in a wide variety of medical and community health care settings such as primary care centers, hospital emergency rooms, trauma centers, and dental offices.

(3) The following health care professionals are eligible to become qualified SBIRT providers to deliver SBIRT services or supervise qualified staff to deliver SBIRT services:

- (a) Advanced registered nurse practitioners, in accordance with chapters 18.79 RCW and 246-840 WAC;
- (b) (~~Chemical dependency professionals~~) Substance use disorder professionals (SUDP), in accordance with chapters 18.205 RCW and 246-811 WAC;

- (c) Licensed practical nurses, in accordance with chapters 18.79 RCW and 246-840 WAC;
  - (d) Mental health counselors, in accordance with chapters 18.225 RCW and 246-809 WAC;
  - (e) Marriage and family therapists, in accordance with chapters 18.225 RCW and 246-809 WAC;
  - (f) Independent and advanced social workers, in accordance with chapters 18.225 RCW and 246-809 WAC;
  - (g) Physicians, in accordance with chapters 18.71 RCW and 246-919 WAC;
  - (h) Physician assistants, in accordance with chapters 18.71A RCW and 246-918 WAC;
  - (i) Psychologists, in accordance with chapters 18.83 RCW and 246-924 WAC;
  - (j) Registered nurses, in accordance with chapters 18.79 RCW and 246-840 WAC;
  - (k) Dentists, in accordance with chapters 18.260 and 246-817; and
  - (l) Dental hygienists, in accordance with chapters 18.29 and 246-815 WAC.
- (4) To become a qualified SBIRT provider, eligible licensed health care professionals must:
- (a) Complete agency-approved SBIRT training and mail or fax the SBIRT training certificate or other proof of this training completion to the agency; or
  - (b) Have an addiction specialist certification and mail or fax proof of this certification to the agency.
- (5) The agency pays for SBIRT as follows:
- (a) Screenings, which are included in the reimbursement for the evaluation and management code billed;
  - (b) Brief interventions, limited to four sessions per client, per provider, per calendar year; and
  - (c) When billed by one of the following qualified SBIRT health care professionals:
    - (i) Advanced registered nurse practitioners;
    - (ii) Mental health counselors;
    - (iii) Marriage and family therapists;
    - (iv) Independent and advanced social workers;
    - (v) Physicians;
    - (vi) Psychologists;
    - (vii) Dentists; and
    - (viii) Dental hygienists.
- (6) The agency evaluates a request for additional sessions in excess of the limitations or restrictions according to WAC 182-501-0169.
- (7) To be paid for providing alcohol and substance misuse counseling through SBIRT, providers must bill the agency using the agency's published billing instructions.

**WSR 21-16-098**  
**EXPEDITED RULES**  
**DEPARTMENT OF**  
**LABOR AND INDUSTRIES**

[Filed August 3, 2021, 12:45 p.m.]

Title of Rule and Other Identifying Information: Typographical corrections to the boiler fees under WAC 296-104-700.

Purpose of the Proposal and Its Anticipated Effects, Including Any Changes in Existing Rules: The purpose of this rule making is to propose corrections to the boiler fees. On June 1, 2021, the board of boiler rules and the department of labor and industries (L&I) adopted a fee increase of 5.79 percent to support operating expenses for the boiler program (WSR 21-12-088). This is the office of financial management's maximum allowable fiscal growth factor rate for fiscal year 2022. Because of a typographical error, four of the inspection fees pertaining to power boilers and pressure vessels are incorrect. This rule making corrects the error by reducing the four fees to the fiscal growth factor amount.

Reasons Supporting Proposal: The boiler fees are for permits, inspection, examination, and certificates. This rule making is needed to ensure the fees are accurate and consistent with the fiscal growth factor.

Statutory Authority for Adoption: Chapter 70.79 RCW.

Statute Being Implemented: Chapter 70.79 RCW.

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

Name of Proponent: L&I, governmental.

Name of Agency Personnel Responsible for Drafting: Mike Carlson, Program Manager, Tumwater, Washington, 360-902-5270; Implementation and Enforcement: Steve Reinmuth, Assistant Director, Tumwater, Washington, 360-902-6348.

This notice meets the following criteria to use the expedited adoption process for these rules:

Corrects typographical errors, make address or name changes, or clarify language of a rule without changing its effect.

Explanation of the Reason the Agency Believes the Expedited Rule-Making Process is Appropriate: The expedited rule-making process makes typographical corrections to some boiler fees.

**NOTICE**

THIS RULE IS BEING PROPOSED UNDER AN EXPEDITED RULE-MAKING PROCESS THAT WILL ELIMINATE THE NEED FOR THE AGENCY TO HOLD PUBLIC HEARINGS, PREPARE A SMALL BUSINESS ECONOMIC IMPACT STATEMENT, OR PROVIDE RESPONSES TO THE CRITERIA FOR A SIGNIFICANT LEGISLATIVE RULE. IF YOU OBJECT TO THIS USE OF THE EXPEDITED RULE-MAKING PROCESS, YOU MUST EXPRESS YOUR OBJECTIONS IN WRITING AND THEY MUST BE SENT TO Alicia Curry, Management Analyst, L&I, P.O. Box 44400, Olympia, WA 98504-4400, phone 360-902-6244, fax 360-902-5292, email Alicia.Curry@Lni.wa.gov, AND RECEIVED BY October 4, 2021.

August 3, 2021  
Joel Sacks  
Director

AMENDATORY SECTION (Amending WSR 21-12-088, filed 6/1/21, effective 7/2/21)

**WAC 296-104-700 What are the inspection fees—Examination fees—Certificate fees—Expenses?** The fol-

lowing fees shall be paid by, or on behalf of, the owner or user upon the completion of the inspection. The inspection fees apply to inspections made by inspectors employed by the state.

The boiler and pressure vessel installation/reinstallation permit fee of \$66.00 shall be paid by the installer, as defined in WAC 296-104-010.

Certificate of inspection fees: For objects inspected, the certificate of inspection fee per object is \$28.40.

Hot water heaters per RCW 70.79.090, inspection fee: \$8.50.

The department shall assess a \$7.00 fee, per object, for processing of jurisdictional inspection reports to any authorized in-service inspection agency or inspector who does not file the report directly into the department's electronic inspection report system.

Heating boilers:	Internal	External
Cast iron—All sizes	\$48.00	\$38.40
All other boilers less than 500 sq. ft.	\$48.00	\$38.40
500 sq. ft. to 2500 sq. ft.	\$96.00	\$48.00
Each additional 2500 sq. ft. of total heating surface, or any portion thereof	\$38.40	\$18.70
Power boilers:	Internal	External
Less than 100 sq. ft.	\$48.00	\$38.40
100 sq. ft. to less than 500 sq. ft.	\$58.10	<del>(\$48.00)</del> <u>\$38.40</u>
500 sq. ft. to 2500 sq. ft.	\$96.00	\$48.00
Each additional 2500 sq. ft. of total heating surface, or any portion thereof	<del>(\$48.00)</del> <u>\$38.40</u>	\$18.70
Pressure vessels:	Internal	External
Square feet shall be determined by multiplying the length of the shell by its diameter.		
Less than 15 sq. ft.	<del>(\$48.00)</del> <u>\$38.40</u>	\$28.40
15 sq. ft. to less than 50 sq. ft.	\$57.00	\$28.40
50 sq. ft. to 100 sq. ft.	\$66.50	<del>(\$48.00)</del> <u>\$38.40</u>
For each additional 100 sq. ft. or any portion thereof	\$66.40	\$18.70
Nonnuclear shop inspections, field construction inspections, and special inspection services:		
For each hour or part of an hour up to 8 hours		\$58.10
For each hour or part of an hour in excess of 8 hours		\$86.80
Nuclear shop inspections, nuclear field construction inspections, and nuclear triennial shop survey and audit:		

For each hour or part of an hour up to 8 hours	\$86.80
For each hour or part of an hour in excess of 8 hours	\$136.00
Nonnuclear triennial shop survey and audit:	
When state is authorized inspection agency:	
For each hour or part of an hour up to 8 hours	\$58.10
For each hour or part of an hour in excess of 8 hours	\$86.00
When insurance company is authorized inspection agency:	
For each hour or part of an hour up to 8 hours	\$86.80
For each hour or part of an hour in excess of 8 hours	\$136.00

Examination fee: A fee of \$107.50 will be charged for each applicant sitting for an inspection examination(s).

Special inspector commission: A fee of \$58.00 for initial work card. A fee of \$36.00 for annual renewal.

If a special inspector changes companies: A work card fee of \$58.00.

Expenses shall include:

Travel time and mileage: The department shall charge for its inspectors' travel time from their offices to the inspection sites and return. The travel time shall be charged for at the same rate as that for the inspection, audit, or survey. The department shall also charge the current Washington office of financial management accepted mileage cost fees or the actual cost of purchased transportation. Hotel and meals: Actual cost not to exceed the office of financial management approved rate.

Requests for Washington state specials and extensions of inspection frequency: For each vessel to be considered by the board, a fee of \$541.70 must be paid to the department before the board meets to consider the vessel. The board may, at its discretion, prorate the fee when a number of vessels that are essentially the same are to be considered.

The current rule adopts the May 30, 2019, version of the USDA organic regulations. This proposal updates the language to adopt the July 26, 2021, version of the federal regulation in order to remain consistent with the National Organic Program.

Reasons Supporting Proposal: Updating this chapter will ensure the rule remains compliant with RCW 15.86.060(1), which directs the director to adopt rules "... appropriate for the adoption of the national organic program." Further, this change will ensure compliance with RCW 15.86.065(3), which states the program "shall not be inconsistent with the requirements of the national organic program."

The department adopts these national standards for organically-produced agricultural products in order to remain uniform with the National Organic Program. These standards assure consumers that products with the USDA organic seal meet consistent, uniform standards that are in compliance with federal regulations.

Statutory Authority for Adoption: RCW 15.86.060(1), [15.86].065 (3) and (4).

Statute Being Implemented: Chapter 15.86 RCW.

Rule is necessary because of federal law, 7 C.F.R. Part 205.

Name of Proponent: Washington state department of agriculture (WSDA), governmental.

Name of Agency Personnel Responsible for Drafting: Scott Rice, P.O. Box 42560, Olympia, WA 98504-2560, 360-359-3021; Implementation and Enforcement: Brenda Book, P.O. Box 42560, Olympia, WA 98504-2560, 360-902-2090.

This notice meets the following criteria to use the expedited adoption process for these rules:

Adopts or incorporates by reference without material change federal statutes or regulations, Washington state statutes, rules of other Washington state agencies, shoreline master programs other than those programs governing shorelines of statewide significance, or, as referenced by Washington state law, national consensus codes that generally establish industry standards, if the material adopted or incorporated regulates the same subject matter and conduct as the adopting or incorporating rule.

Explanation of the Reason the Agency Believes the Expedited Rule-Making Process is Appropriate: Adopting the current version of 7 C.F.R. Part 205 meets the criteria for expedited adoption under RCW 34.05.353 (1)(b) by adopting federal regulations.

NOTICE

THIS RULE IS BEING PROPOSED UNDER AN EXPEDITED RULE-MAKING PROCESS THAT WILL ELIMINATE THE NEED FOR THE AGENCY TO HOLD PUBLIC HEARINGS, PREPARE A SMALL BUSINESS ECONOMIC IMPACT STATEMENT, OR PROVIDE RESPONSES TO THE CRITERIA FOR A SIGNIFICANT LEGISLATIVE RULE. IF YOU OBJECT TO THIS USE OF THE EXPEDITED RULE-MAKING PROCESS, YOU MUST EXPRESS YOUR OBJECTIONS IN WRITING AND THEY MUST BE SENT TO Gloriann Robinson, Agency Rules Coordinator, WSDA, P.O. Box 42560, Olympia, WA 98504-2560, or 1111 Washington Street S.E., Olym-

**WSR 21-16-109**

**EXPEDITED RULES**

**DEPARTMENT OF AGRICULTURE**

[Filed August 4, 2021, 9:14 a.m.]

Title of Rule and Other Identifying Information: Chapter 16-157 WAC, Organic food standards and certification.

Purpose of the Proposal and Its Anticipated Effects, Including Any Changes in Existing Rules: The department is proposing to adopt the current version of the United States department of agriculture (USDA) organic regulations (7 C.F.R. Part 205).

pia, WA 98504, phone 360-902-1802, fax 360-902-2092,  
email WSDARulesComments@agr.wa.gov, AND  
RECEIVED BY October 4, 2021.

August 4, 2021  
Steve Fuller  
Assistant Director

AMENDATORY SECTION (Amending WSR 19-14-129,  
filed 7/3/19, effective 8/3/19)

**WAC 16-157-020 Adoption of the National Organic Program.** The Washington state department of agriculture adopts the standards of the National Organic Program, 7 C.F.R. Part 205, effective (~~May 30, 2019~~) July 26, 2021, for the production and handling of organic crops, livestock, and processed agricultural products. The National Organic Program rules may be obtained from the department by emailing the organic program at [organic@agr.wa.gov](mailto:organic@agr.wa.gov), by phone at 360-902-1805 or accessing the National Organic Program's website at <https://www.ams.usda.gov/rules-regulations/organic>.