

WSR 21-03-074

PROPOSED RULES

HEALTH CARE AUTHORITY

[Filed January 19, 2021, 1:29 p.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 20-22-026.

Title of Rule and Other Identifying Information: New chapter 182-110 WAC, Partnership access line and psychiatric consultation line.

Hearing Location(s): On February 23, 2021, at 10:00 a.m. In response to the coronavirus disease 2019 (COVID-19) public health emergency, the agency will not provide a physical location for this hearing. This promotes social distancing and the safety of the citizens 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 at the following link <https://attendee.gotowebinar.com/register/3849005792212880141>, Webinar ID: 687-366-971. After registering, you will receive a confirmation email containing the information about joining the webinar.

Date of Intended Adoption: Not sooner than February 24, 2021.

Submit Written Comments to: Health Care Authority (HCA) Rules Coordinator, P.O. Box 42716, Olympia, WA 98504-2716, email arc@hca.wa.gov, fax 360-586-9727, by February 23, 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 February 5, 2021.

Purpose of the Proposal and Its Anticipated Effects, Including Any Changes in Existing Rules: The proposed rules implement the requirements of SHB 2728 (66th legislature, 2020 regular session), which requires HCA to:

(1) Calculate the annual costs to operate and administer the partnership lines described in SHB 2728;

(2) Calculate the proportion of clients covered by medicaid program; and

(3) Collect a proportional share of program costs from entities that are not for covered lives under contract with HCA as medicaid managed care organizations.

The proposed rules require assessed entities to register with HCA, submit the required data, and timely send payment to fund program costs.

Reasons Supporting Proposal: See purpose above.

Statutory Authority for Adoption: RCW 41.05.021, 41.05.160.

Statute Being Implemented: RCW 41.05.021, 41.05.160, 71.24.061, 71.24.062.

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

Name of Proponent: HCA, governmental.

Name of Agency Personnel Responsible for Drafting: Melinda Froud, P.O. Box 42716, Olympia, WA 98504-2716, 360-725-1408; Implementation and Enforcement: Martha Cortes Leon, P.O. Box 45500, Olympia, WA 98504-5500, 360-725-1650.

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.

This rule proposal, or portions of the proposal, is exempt from requirements of the Regulatory Fairness Act because the proposal:

- Is exempt under RCW 19.85.025(3) as the rule content is explicitly and specifically dictated by statute.
- Is exempt under RCW 34.05.310 (4) (e).

January 19, 2021
Wendy Barcus
Rules Coordinator

OTS-2802.2

Chapter 182-110 WAC
PARTNERSHIP ACCESS LINE AND PSYCHIATRIC CONSULTATION LINE

NEW SECTION

WAC 182-110-0100 General. (1) The Washington state health care authority (authority), the University of Washington department of psychiatry and behavioral sciences, and Seattle children's hospital administer the partnership access lines described in RCW 71.24.061, relating to mental health services for children and the treatment of depression in pregnant women and new mothers.

(2) The authority and the University of Washington department of psychiatry and behavioral sciences administer the psychiatric consultation line described in RCW 71.24.062 to give certain providers on-demand access to psychiatric and substance use disorder clinical consultation for adult patients.

(3) The authority or its designee:

- (a) Determines the administrative costs for each program identified in subsections (1) and (2) of this section;
- (b) Calculates the proportion of clients that are covered by programs administered under chapter 74.09 RCW; and
- (c) Collects a proportionate share of program costs that are not for covered lives from the assessed entities under contract with the authority as medicaid managed care organizations.

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NEW SECTION

WAC 182-110-0200 Definitions. For the purposes of this chapter:

- (1) "Assessed entity" means:
 - (a) Health carriers, as defined in RCW 48.43.005;
 - (b) Self-funded multiple employer welfare arrangements, as defined in RCW 48.125.010; and

(c) Employers or other entities that provide health care in Washington, including self-funding entities or employee welfare benefit plans.

(2) "Covered lives" means a Washington resident who is covered by an assessed entity, including an enrollee, subscriber, policyholder, beneficiary of a group plan, or person covered by any other health plan.

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NEW SECTION

WAC 182-110-0300 Registration requirements. (1) An assessed entity must register with the authority or its designee and provide the required contact information. Reporting entities must comply with the authority's or its designee's processes for registering and submitting data, as outlined in the data submission guide published on the authority's or its designee's website.

(2) Reregistration is required only if there is a change in the contact information previously provided. Assessed entities are responsible for maintaining current and accurate contact information with the authority or its designee.

(3) Failure to register and provide or maintain accurate contact information with the authority or its designee may result in an assessed entity's inability to submit required data in compliance with this chapter.

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NEW SECTION

WAC 182-110-0400 Data reporting. (1) Beginning July 1, 2021, no later than the end of forty-five calendar days after the end of each calendar quarter, an assessed entity must submit to the authority or its designee, in the required format, the total number of Washington resident covered lives for each calendar month from the prior quarter.

(2) An assessed entity must immediately notify the authority or its designee if it identifies a covered lives reporting error.

(3) Each assessed entity must collect and maintain the data in a manner consistent with applicable state and federal health information privacy laws.

(4) Failure to report accurate data to the authority or its designee may result in an assessed entity's inability to maintain compliance with this chapter.

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NEW SECTION

WAC 182-110-0500 Assessment. Each assessed entity receives a quarterly invoice for its share of the total amount of program costs

that are for the proportion of the entity's covered lives. Entities must timely send payment to fund the partnership access lines described in RCW 71.24.061 and the psychiatric consultation line described in RCW 71.24.062.

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