

WSR 21-03-075

PROPOSED RULES

HEALTH CARE AUTHORITY

[Filed January 19, 2021, 2:15 p.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 20-24-036.

Title of Rule and Other Identifying Information: WAC 182-533-0327
Maternity support services—Professional staff qualifications and inter-
disciplinary team.

Hearing Location(s): On February 23, 2021, at 10:00 a.m. As the governor's Safe Start plan progresses, it is yet unknown whether by the date of this public hearing restrictions of meeting in public places will be eased. To continue to be safe, this hearing is being scheduled as a virtual only hearing. This will not be an in-person hearing and there is not a physical location available. To attend, you must register prior to the virtual public hearing (February 23, 2021, 10:00 a.m. Pacific Time). Registration URL <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 23, 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 24, 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 rule replaces "chemical dependency professional" with "substance use disorder professional." This change aligns with RCW 18.205.020.

Reasons Supporting Proposal: See purpose.

Statutory Authority for Adoption: RCW 18.205.020, 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: Heather Weiher, P.O. Box 45530, Olympia, WA 98504-5330, 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.

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. These rules do not impose a disproportionate cost impact on small businesses or nonprofits.

January 19, 2021
Wendy Barcus
Rules Coordinator

OTS-2805.2

AMENDATORY SECTION (Amending WSR 16-12-060, filed 5/26/16, effective 6/26/16)

WAC 182-533-0327 Maternity support services—Professional staff qualifications and interdisciplinary team. (1) MSS providers must use qualified professionals, as specified in this section.

(a) Behavioral health specialists who are currently credentialed, certified, or licensed in Washington by the department of health under chapters 246-809, 246-810, 246-811, and 246-924 WAC as one of the following:

- (i) Licensed mental health counselor.
- (ii) Licensed independent clinical social worker.
- (iii) Licensed social worker.
- (iv) Licensed marriage and family therapist.
- (v) Licensed psychologist.
- (vi) Associate mental health counselor.
- (vii) Associate independent clinical social worker.
- (viii) Associate social worker.
- (ix) Associate marriage and family therapist.
- (x) Certified counselor.

(xi) Certified (~~chemical dependency~~) substance use disorder professional.

(b) Certified dietitians who are currently registered with the commission on dietetic registration and certified by the Washington state department of health under chapter 246-822 WAC.

(c) Community health nurses who are currently licensed as registered nurses in the state of Washington by the department of health under chapter 246-840 WAC.

(d) Community health workers (CHWs) who have a high school diploma or the equivalent and:

- (i) Have a minimum of one year of health care and/or social services experience.
- (ii) Carry out all activities under the direction and supervision of a professional member or supervisor of the MSS interdisciplinary team.

(iii) Complete a training plan developed by their provider.

(2) The provider's qualified staff must participate in an MSS interdisciplinary team consisting of at least a community health nurse, a certified registered dietitian, a behavioral health specialist, and, at the discretion of the provider, a community health worker.

(a) The interdisciplinary team must work together to address risk factors identified in a client's care plan.

(b) Each qualified staff member acting within her/his area of expertise must address the variety of client needs identified during the maternity cycle.

(c) An MSS interdisciplinary team case conference is required at least once prenatally for clients who are entering MSS during pregnancy, and are eligible for the maximum level of service. Using clinical judgment and the client's risk factors, the provider may decide which interdisciplinary team members to include in case conferencing.

(3) All Indian health programs, tribes, and any MSS provider within a county with fewer than fifty-five medicaid births per year

are required to have at least one MSS interdisciplinary team member, as described in subsection (1) of this section:

- (a) A behavioral health specialist;
- (b) A registered dietitian; or
- (c) A community health nurse.

[Statutory Authority: RCW 41.05.021, 41.05.160. WSR 16-12-060, § 182-533-0327, filed 5/26/16, effective 6/26/16. Statutory Authority: RCW 41.05.021. WSR 14-09-061, § 182-533-0327, filed 4/16/14, effective 5/17/14.]