

WSR 22-07-096

EMERGENCY RULES

HEALTH CARE AUTHORITY

[Filed March 22, 2022, 12:38 p.m., effective March 22, 2022, 12:38 p.m.]

Effective Date of Rule: Immediately upon filing.

Purpose: The agency is revising this rule to remove the restriction that the WISE program only applies to medicaid clients and add language to clarify the program is for those clients eligible for coverage under WAC 182-505-0210.

Citation of Rules Affected by this Order: Amending WAC 182-501-0215.

Statutory Authority for Adoption: RCW 41.05.021, 41.05.160.

Under RCW 34.05.350 the agency for good cause finds that immediate adoption, amendment, or repeal of a rule is necessary for the preservation of the public health, safety, or general welfare, and that observing the time requirements of notice and opportunity to comment upon adoption of a permanent rule would be contrary to the public interest.

Reasons for this Finding: The immediate revision of these rules is necessary to comply with the implementation of a settlement—Thurston County Superior Court in *A.G.C. v. Washington State Health Care Authority*, no. 21-2-00479-34. The settlement prohibits the agency from applying prior versions of these rules to requests for WISE services from individuals who are not medicaid clients. The current emergency filing under WSR 21-24-043, filed November 24, 2021, is set to expire on March 24, 2022. Since the last emergency filing, the agency has proceeded forward with drafting of the permanent rule, sent the draft to interested stakeholders for an external review and held a public hearing on March 22, 2022. The agency plans to file the permanent rules as soon as possible. This emergency filing will cover the time period from expiration of the previously filed emergency until the permanent rules can take effect.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 0, Repealed 0; or Recently Enacted State Statutes: New 0, Amended 0, Repealed 0.

Number of Sections Adopted at the Request of a Nongovernmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's own Initiative: New 0, Amended 0, Repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 1, Repealed 0.

Number of Sections Adopted using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 1, Repealed 0.

Date Adopted: March 22, 2022.

Wendy Barcus
Rules Coordinator

OTS-3495.1

AMENDATORY SECTION (Amending WSR 20-15-026, filed 7/7/20, effective 8/7/20)

WAC 182-501-0215 Wraparound with intensive services (WISe). (1) Wraparound with intensive services (WISe) is a service delivery model that provides comprehensive behavioral health covered services and support to:

(a) (~~Medicaid-eligible~~) Clients age ((~~twenty~~) 20 or younger with complex behavioral health needs who are eligible for coverage under WAC 182-505-0210; and

(b) Their families.

(2) The authority, the managed care organizations, and the WISe provider agencies must use, continue to use, and substantially comply with the WISe quality plan (WISe QP) for the delivery of WISe. The purpose of the WISe QP is to:

(a) Provide a framework for quality management goals, objectives, processes, tools, and resources to measure the implementation and success of the WISe service delivery model; and

(b) Guide production, dissemination, and use of measures used to inform and improve WISe service delivery.

(3) The WISe QP, as may be amended from time to time, is incorporated by reference and is available online at <https://www.hca.wa.gov/billers-providers-partners/behavioral-health-recovery/wraparound-intensive-services-wise>.

[Statutory Authority: RCW 41.05.021 and 41.05.160. WSR 20-15-026, § 182-501-0215, filed 7/7/20, effective 8/7/20.]