

WSR 22-17-168

PERMANENT RULES

HEALTH CARE AUTHORITY

[Filed August 24, 2022, 11:19 a.m., effective September 24, 2022]

Effective Date of Rule: Thirty-one days after filing.

Purpose: The agency revised these rules to update language from "chemical" to "substance" and "detox" to "withdrawal management." Language updated to gender neutral terminology.

Citation of Rules Affected by this Order: Amending WAC 182-533-0701, 182-533-0710, 182-533-0720, and 182-533-0730.

Statutory Authority for Adoption: RCW 41.05.021, 41.05.160.

Adopted under notice filed as WSR 22-15-110 on July 19, 2022.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 0, Repealed 0; or Recently Enacted State Statutes: New 0, Amended 0, Repealed 0.

Number of Sections Adopted at the Request of a Nongovernmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's own Initiative: New 0, Amended 0, Repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 4, Repealed 0.

Number of Sections Adopted using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 4, Repealed 0.

Date Adopted: August 24, 2022.

Wendy Barcus
Rules Coordinator

OTS-3889.1

~~((CHEMICAL-USING))~~ SUBSTANCE-USING PREGNANT ~~((CUP) WOMEN))~~ PEOPLE
(SUPP) SERVICES

AMENDATORY SECTION (Amending WSR 11-14-075, filed 6/30/11, effective 7/1/11)

WAC 182-533-0701 ~~((Chemical-using))~~ Substance-using pregnant ~~((CUP) women))~~ people (SUPP) program—Purpose. The ~~((chemical-using))~~ substance-using pregnant ~~((CUP) women))~~ people (SUPP) program provides immediate access to medical care in a hospital setting to ~~((chemical-using or chemical-dependent))~~ substance-using or substance-dependent pregnant ~~((women))~~ people and their fetuses. The purpose of the immediate access to medical care is to reduce harm to and improve birth outcomes for ~~((mothers))~~ birthing parents and their fetuses by

preventing obstetric and prenatal complications related to ~~((chemical dependency))~~ substance use disorder.

[WSR 11-14-075, recodified as § 182-533-0701, filed 6/30/11, effective 7/1/11. Statutory Authority: RCW 74.08.090, 74.09.800. WSR 04-11-008, § 388-533-701 (codified as WAC 388-533-0701), filed 5/5/04, effective 6/5/04.]

AMENDATORY SECTION (Amending WSR 15-14-038, filed 6/24/15, effective 7/25/15)

WAC 182-533-0710 ~~((Chemical-using))~~ Substance-using pregnant ~~((CUP) women))~~ people (SUPP) program—Client eligibility. (1) To be eligible for the ~~((chemical-using))~~ substance-using pregnant ~~((CUP) women))~~ people (SUPP) program, a ~~((woman))~~ person must be:

- (a) Pregnant; and
- (b) Eligible for medicaid.

(2) A client eligible under subsection (1) of this section who is enrolled in ~~((a medicaid agency))~~ an agency-contracted managed care plan is eligible for ~~((CUP))~~ SUPP services outside ~~((her))~~ their plan. ~~((CUP))~~ SUPP services and reimbursement are delivered outside a managed care plan and are subject to fee-for-services rules.

(3) A client receiving ~~((three-day or five-day detoxification))~~ withdrawal management services or secure withdrawal management services through the agency is not eligible for the ~~((CUP women))~~ SUPP program.

[Statutory Authority: RCW 41.05.021 and 41.05.160. WSR 15-14-038, § 182-533-0710, filed 6/24/15, effective 7/25/15. WSR 11-14-075, recodified as § 182-533-0710, filed 6/30/11, effective 7/1/11. Statutory Authority: RCW 74.08.090 and 74.09.800. WSR 05-08-061, § 388-533-0710, filed 3/31/05, effective 5/1/05; WSR 04-11-008, § 388-533-710 (codified as WAC 388-533-0710), filed 5/5/04, effective 6/5/04.]

AMENDATORY SECTION (Amending WSR 15-14-038, filed 6/24/15, effective 7/25/15)

WAC 182-533-0720 ~~((Chemical-using))~~ Substance-using pregnant ~~((CUP) women))~~ people (SUPP) program—Provider requirements. (1) The ~~((medicaid))~~ agency pays only those providers who:

- (a) Have been approved by the agency to provide ~~((chemical-using))~~ substance-using pregnant ~~((CUP) women))~~ people (SUPP) program services;
- (b) Have been licensed and certified as ~~((chemical dependency service providers by the division of))~~ a behavioral health ~~((and recovery (DBHR) under chapter 388-877 WAC))~~ agency by the department of health (DOH) under chapter 246-341 WAC;
- (c) Meet the department of health hospital ~~((accreditation standards))~~ licensing regulations in chapter 246-320 WAC; and
- (d) Meet the general provider requirements in chapter 182-502 WAC ~~((; and~~

~~(e) Are not licensed as an institution for mental disease (IMD) under Centers for Medicare and Medicaid Services (CMS) criteria).~~

(2) Providers must:

(a) Report any changes in their certification, level of care, or program operations to the agency ((CUP-women)) SUPP program manager;

(b) Have written policies and procedures that include a working statement describing the purpose and methods of treatment for ((chemical-using or chemical-dependent)) substance-using or substance-dependent pregnant ((women)) people;

(c) Provide guidelines and resources for current medical treatment methods by specific ((chemical)) substance type;

(d) Have linkages with state and community providers to ensure a working knowledge exists of current medical and substance ((abuse)) use disorder resources; and

(e) Ensure that ((a-chemical-dependency)) an assessment for substance use disorders of the client has been completed:

(i) By a ((chemical-dependency)) substance use disorder professional under chapter 246-811 WAC;

(ii) Using the latest criteria of the American Society of Addiction Medicine (ASAM); and

(iii) No earlier than six months before, and no later than five days after, the client's admission to the ((CUP-women)) SUPP program.

[Statutory Authority: RCW 41.05.021 and 41.05.160. WSR 15-14-038, § 182-533-0720, filed 6/24/15, effective 7/25/15. WSR 11-14-075, recodified as § 182-533-0720, filed 6/30/11, effective 7/1/11. Statutory Authority: RCW 74.08.090 and 74.09.800. WSR 05-08-061, § 388-533-0720, filed 3/31/05, effective 5/1/05; WSR 04-11-008, § 388-533-720 (codified as WAC 388-533-0720), filed 5/5/04, effective 6/5/04.]

AMENDATORY SECTION (Amending WSR 15-14-038, filed 6/24/15, effective 7/25/15)

WAC 182-533-0730 ((Chemical-using)) Substance-using pregnant ((CUP-women)) people (SUPP) program—Covered services. (1) The ((medicaid)) agency pays for the following covered services for a pregnant client and ((her)) their fetus under the ((chemical-using)) substance-using pregnant ((CUP-women)) people (SUPP) program:

(a) Primary acute ((detoxification)) withdrawal management and medical stabilization;

(b) Secondary subacute ((detoxification)) withdrawal management and medical stabilization; and

(c) Rehabilitation treatment and services as determined by the provider.

(2) The maximum length of treatment per inpatient stay that the agency will pay for is ((twenty-six)) 26 days, unless additional days have been preauthorized by the agency ((CUP-women)) (SUPP) program manager.

(3) If a client's pregnancy ends before inpatient treatment is completed, a provider may continue ((her)) treatment through the ((twenty-sixth)) 26th day.

[Statutory Authority: RCW 41.05.021 and 41.05.160. WSR 15-14-038, § 182-533-0730, filed 6/24/15, effective 7/25/15. WSR 11-14-075, recodi-

fied as § 182-533-0730, filed 6/30/11, effective 7/1/11. Statutory Authority: RCW 74.08.090 and 74.09.800. WSR 05-08-061, § 388-533-0730, filed 3/31/05, effective 5/1/05; WSR 04-11-008, § 388-533-730 (codified as WAC 388-533-0730), filed 5/5/04, effective 6/5/04.]