

WSR 22-24-114
PREPROPOSAL STATEMENT OF INQUIRY
HEALTH CARE AUTHORITY

[Filed December 7, 2022, 11:46 a.m.]

Subject of Possible Rule Making: Transportation services—None-emergency transportation (NEMT), WAC 182-546-5000 NEMT—General, 182-546-5100 NEMT—Definitions, 182-546-5550 NEMT—Exclusions and limitations, 182-546-5600 NEMT—Intermediate stops or delays, 182-546-5800 NEMT—Trips out-of-state/out-of-country, 182-546-5900 NEMT—Meals, lodging, escort/guardian, and 182-546-6200 NEMT—Reimbursement. Other related rules as appropriate.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 41.05.021, 41.05.160; 42 C.F.R. 431.53, 440.170.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The agency is amending these rules to provide more precise language to define the program parameters and ensure consistency. Specifically, the agency is proposing to amend:

- WAC 182-546-5000(4) to clarify this section pertains to a client's freedom of access to health care, but doesn't require the agency to cover transportation at a higher cost in order to meet the client's personal choice of medical provider.
- WAC 182-546-5100 to add a definition for against medical advice (AMA), fix WAC reference in ambulance definition, and remove definitions for extended stay and short stay.
- WAC 182-546-5550 to add in a new subsection (1)(b) regarding AMA discharges and a new subsection (1)(k) for standalone pharmacy trips.
- WAC 182-546-5600 (3)(b) to clarify the agency may pay for transportation for a client to a pharmacy to obtain medicare Part D prescriptions if the prescriptions are billable to medicaid and not paid for by medicare Part D.
- WAC 182-546-5800(1) to clarify that out-of-state requests require a minimum of seven days' notice before the client's travel.
- WAC 182-546-5900(4) to clarify the reasonable cost of lodging and meals is measured against the state per diem of the location where the client is receiving covered medical services and striking subsections (4)(a), (b), and (c).
- WAC 182-546-6200 to add new subsection (8) to clarify how the mileage reimbursement rate is based.

During the course of this review, the health care authority may identify additional related changes that are required in order to improve clarity or update policy.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: The Centers for Medicare and Medicaid Services.

Process for Developing New Rule: The agency welcomes the public to take part in developing this rule. If interested, contact the person identified below to receive an early rule draft to review. After the early review, the agency will send a notice of proposed rule making (CR-102) to everyone receiving this notice and anyone who requests a copy.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Valerie Freudenstein, Rule-Making Questions, P.O. Box 42716, Olympia, WA 98504-2716, phone 360-725-1344, fax 360-586-9727,

telecommunication[s] relay service (TRS) 711, email valerie.freudenstein@hca.wa.gov, website www.hca.wa.gov/about-hca/rulemaking; or Emily Horton, Program Questions, 626 8th Avenue S.E., Olympia, WA 98504, phone 360-725-1721, fax 360-586-9727, TRS 711, email Emily.horton@hca.wa.gov, website www.hca.wa.gov/about-hca/rulemaking.

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