

WSR 23-05-031

PROPOSED RULES

HEALTH CARE AUTHORITY

[Filed February 7, 2023, 11:25 a.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 23-01-037.

Title of Rule and Other Identifying Information: WAC 182-537-0700 School district documentation requirements.

Hearing Location(s): On March 21, 2023, at 10:00 a.m. In response to the coronavirus disease 2019 (COVID-19) public health emergency, the health care authority (HCA) continues to hold public hearings virtually without a physical meeting place. This promotes social distancing and the safety of the residents of Washington state. To attend the virtual public hearing, you must register in advance https://us02web.zoom.us/webinar/register/WN_KIkQfb4ORnK5hyZi2_3Ddw. If the link above opens with an error message, please try using a different browser. After registering, you will receive a confirmation email containing information about joining the public hearing.

Date of Intended Adoption: Not sooner than March 22, 2023.

Submit Written Comments to: HCA Rules Coordinator, P.O. Box 42716, Olympia, WA 98504-2716, email arc@hca.wa.gov, fax 360-586-9727, by March 21, 2023, by 11:59 p.m.

Assistance for Persons with Disabilities: Contact Johanna Larson, phone 360-725-1349, fax 360-586-9727, telecommunication[s] relay service 711, email Johanna.Larson@hca.wa.gov, by March 10, 2023.

Purpose of the Proposal and Its Anticipated Effects, Including Any Changes in Existing Rules: The agency is amending the electronic record and signature components of WAC 182-537-0700 to streamline requirements, eliminate electronic signature log requirements, and decrease administrative burden on school districts.

Reasons Supporting Proposal: See purpose.

Statutory Authority for Adoption: RCW 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: Brian Jensen, P.O. Box 42716, Olympia, WA 98504-2716, 360-725-0815; Implementation and Enforcement: Shanna Muirhead, P.O. Box 45505, Olympia, WA 98504-5505, 360-725-1153.

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 rules relate only to internal governmental operations that are not subject to violation by a nongovernment party.

Is exempt under RCW 19.85.025(4).

Explanation of exemptions: This rule applies to government entities, specifically Washington state school districts, and thus is not subject to violation by a nongovernment party.

Scope of exemption for rule proposal:

Is fully exempt.

February 7, 2023
Wendy Barcus
Rules Coordinator

OTS-4281.1

AMENDATORY SECTION (Amending WSR 20-14-062, filed 6/26/20, effective 7/27/20)

WAC 182-537-0700 School district documentation requirements.

(1) Providers must document all school-based health care services as required in this section and the medicaid agency's school-based health care services (SBHS) billing guide.

(2) Documentation to justify billed claims must be maintained for at least six years from the date of service.

(3) Records for each student must include, but are not limited to:

- (a) A referral or prescription for services by a physician or other licensed health care provider within their scope of practice;
- (b) Assessment reports;
- (c) Evaluation and reevaluation reports;
- (d) Individualized education program (IEP) or individualized family service plan (IFSP);
- (e) Attendance records; and
- (f) Treatment notes. Treatment notes must include the:
 - (i) Child's name;
 - (ii) Child's ProviderOne client ID;
 - (iii) Child's date of birth;
 - (iv) Date of service, and for each date of service:
 - (A) Time-in;
 - (B) Time-out;
 - (C) A procedure code for and description of each service provided;
 - (D) The child's progress related to each service;
 - (E) Whether the occupational therapy, speech-language therapy, physical therapy or counseling service described in the note was individual or group therapy;
 - (F) The licensed provider's printed name, handwritten or electronic signature, and title; and
 - (G) Assistants and nonlicensed people, as defined in WAC 182-537-0350, who provide early intervention or health care-related services under supervision, must have a licensed provider review and cosign all treatment notes.

(4) The agency accepts electronic records and electronic signatures under chapter 1.80 RCW. (~~Maintaining the records in an electronic format is acceptable only if the original records are available to the agency for program integrity activities for up to six years after the date of service.~~) Each school district is responsible for determining what standards are consistent with state and federal electronic record and electronic signature requirements.

(5) For a signature to be valid, it must be handwritten or electronic. Signature by stamp is acceptable only if the provider is unable to sign by hand due to a physical disability.

~~((6) School districts must maintain a signature log to support the provider's signature identity.~~

~~(7) The signature log must include the provider's:~~

~~(a) Printed name;~~

~~(b) Handwritten signature;~~

~~(c) Initials;~~

~~(d) Credentials;~~

~~(e) License number; and~~

~~(f) National provider identifier (NPI).~~

~~(8) Each school district must establish policies and procedures to ensure complete, accurate, and authentic records. These policies and procedures must include:~~

~~(a) Security provisions to prevent the use of an electronic signature by anyone other than the licensed provider to whom the electronic signature belongs;~~

~~(b) Procedures that correspond to recognized standards and laws and protect against modifications;~~

~~(c) Protection of the privacy and integrity of the documentation;~~

~~(d) A list of which documents will be maintained and signed electronically; and~~

~~(e) Verification of the signer's identity at the time the signature was generated.)~~

[Statutory Authority: RCW 41.05.021 and 41.05.160. WSR 20-14-062, § 182-537-0700, filed 6/26/20, effective 7/27/20; WSR 19-04-095, § 182-537-0700, filed 2/5/19, effective 3/8/19; WSR 16-07-141, § 182-537-0700, filed 3/23/16, effective 4/23/16; WSR 14-20-090, § 182-537-0700, filed 9/29/14, effective 10/30/14. Statutory Authority: RCW 41.05.021. WSR 13-05-017, § 182-537-0700, filed 2/7/13, effective 3/10/13. WSR 11-14-075, recodified as § 182-537-0700, filed 6/30/11, effective 7/1/11. Statutory Authority: RCW 74.08.090, 74.09.500, and 42 C.F.R. 440.110. WSR 09-07-004, § 388-537-0700, filed 3/4/09, effective 4/4/09.]