

WSR 23-14-126

AGENDA

HEALTH CARE AUTHORITY

[Filed July 5, 2023, 10:56 a.m.]

The Washington health care authority (HCA) prepares a semi-annual rule-making agenda in January and July each year for publication in the Washington State Register pursuant to RCW 34.05.314. This report details current and anticipated rule-making activities for HCA. Additional rule-making activity may occur which is not listed on this agenda as conditions warrant.

Rule-making information is available on HCA's website <https://www.hca.wa.gov/about-hca/rulemaking>.

To be notified of any changes, you may sign up for email notifications https://public.govdelivery.com/accounts/WAHCA/subscriber/new?gsp=WAHCA_10.

If you have questions about this rule-making agenda, contact Wendy Barcus, Rules Coordinator, P.O. Box 42716, Olympia, WA 98504-2716, phone 360-725-1306, email wendy.barcus@hca.wa.gov.

**Semi-Annual Rule-Making Agenda
July through December 2023**

WAC Chapter	Rule Subject	Current Activity		
		Preproposal Notice CR-101	Proposed Rule CR-102 (Public Hearing) or CR-105 (Expedited)	Emergency CR-103E
HEALTH CARE AUTHORITY – GENERAL				
New chapter 182-52	Establishment of prescription drug affordability board (2SSB 5532)	WSR 22-15-035 Filed 7/14/2022		
New chapter 182-80	Primary care transformation model— Provider certification	WSR 23-01-066 Filed 12/14/2022 Withdrawn WSR 23-06-071 Filed 3/1/2023		
BEHAVIORAL HEALTH				
New chapter 182-120	Antipsychotic medication rights and less restrictive alternative treatment	WSR 20-09-130 Filed 4/21/2020		
182-135	Recovery residence program	WSR 23-11-079 Filed 5/17/2023		
PUBLIC EMPLOYEE BENEFITS (PEB)				
182-12-5000	Retirees who regained eligibility for public employees benefits board (PEBB) retiree insurance coverage as authorized in SSB 5490, chapter 15, Laws of 2023, 68th legislature, 2023 regular session			CR-103E WSR 23-12-019 Effective 5/25/2023
182-12-5100	What options for health plan enrollment are available to a retired employee of an employer group that previously ended participation in PEBB insurance coverage, as authorized in SSB 1804, section 3, chapter 312, Laws of 2023			CR-103E WSR 23-12-057 Effective 6/2/2023
<i>New rules – number not assigned yet</i>	Rules related to SHB 1804			<i>HCA intends to file rule making within the next six months.</i>
<i>New rules – number not assigned yet</i>	Rules related to HB 1008			<i>HCA intends to file rule making within the next six months.</i>
SCHOOL EMPLOYEE BENEFITS (SEB)				
182-30-5000 182-30-5010	SEB board employer groups, as authorized in SSB 5275, chapter 13, Laws of 2023			CR-103E WSR 23-14-095 Effective 7/23/2023
WASHINGTON APPLE HEALTH (MEDICAID)				

WAC Chapter	Rule Subject	Current Activity		
		Preproposal Notice CR-101	Proposed Rule CR-102 (Public Hearing) or CR-105 (Expedited)	Emergency CR-103E
182-500-0030 182-502-0002 182-502-0016 182-502-0020 182-502-0100 chapters 182-551, 182-538	Electronic visit verification for home health care services	WSR 23-10-019 Filed 4/25/2023		
182-500-0075 182-500-0085 182-502-0005 182-502-0030 182-502-0270 chapter 182-530 182-531-0250	Termination of provider enrollment—For cause	WSR 23-10-033 Filed 4/27/2023		
182-500-0010 182-500-0095 182-500-0100	Definitions—A, R, and S	<i>HCA intends to begin rule making soon</i>		
182-501-0200	Third party liability (TPL)—To align with recent amendments to Social Security Act 1902 (a)(25)(l) due to the Consolidated Appropriations Act 2022; P.L. 117-103	WSR 23-14-106 Filed 7/3/2023		
182-504-0015 182-504-0035 182-505-0210	Children continued coverage	WSR 23-14-092 Filed 6/30/2023		CR-103E WSR 23-14-090 Effective 6/30/2023
182-504-0035	Washington apple health—Renewals	WSR 23-12-049 Filed 6/1/2023		
182-503-0535 182-507-0135	Washington apple health—Citizenship and immigration status; immigration status requirement for medical assistance	WSR 23-14-014 Filed 6/23/2023		CR-103E WSR 23-14-013 Effective 6/22/2023
182-509-0300 182-509-0305 182-512-0880	SSI-related medical—Special income disregards; modified adjusted gross income (MAGI); MAGI income—Persons subject to the MAGI methodology	WSR 23-05-107 Filed 2/15/2023	CR-102 WSR 23-08-062 Public hearing scheduled for 5/9/2023. CR-102 withdrawn under WSR 23-10-020 before hearing held.	
182-513-1625 182-513-1635 182-513-1640	Tailored supports for older adults—Applications, income eligibility, and resource eligibility	WSR 22-17-082 Filed 8/17/2022		CR-103E WSR 23-14-097 Effective 7/1/2023
182-513-1100	Definitions related to long-term services and supports	<i>HCA intends to begin rule making soon</i>		
182-521-0200	Coverage after the public health emergency ends	WSR 23-08-071 Filed 4/4/2023	CR-102 WSR 23-13-005 Public hearing scheduled for 7/25/2023	
182-530-1050 182-530-7100 182-530-7250 182-530-7900 182-531-0050 182-531-1625 182-532-001 182-532-140 182-532-550	Billing requirements for fee-for-service drugs by providers subject to the 340B program requirements	WSR 23-07-015 Filed 3/3/2023		
182-531-0200 182-547-0850	Coverage for adult cochlear implants	<i>HCA intends to begin rule making soon</i>		
182-531-1850	Payment methodology for physicians-related services—General and billing modifiers	WSR 22-17-048 Filed 8/11/2022	CR-102 WSR 23-13-083 Public hearing scheduled for 7/25/2023	
182-531-2040	Enhanced reimbursement—Medication assisted treatment for opioid use disorder	WSR 23-08-060 Filed 4/3/2023	CR-102 WSR 23-13-103 Public hearing scheduled for 7/25/2023	
182-531A-0200 182-531A-0400 182-531A-0500 182-531A-0600 182-531A-0800	Applied behavior analysis	WSR 23-13-023 Filed 6/9/2023		

WAC Chapter	Rule Subject	Current Activity		
		Preproposal Notice CR-101	Proposed Rule CR-102 (Public Hearing) or CR-105 (Expedited)	Emergency CR-103E
182-532-510	Family planning only	<i>HCA intends to begin rule making soon</i>		
182-532 (New section(s)); 182-502-0002	Maternity related services—Birth doula services; Eligible provider types—Adding birth doula	<i>HCA intends to begin rule making soon</i>		
182-535-1088	Dental-related services—Covered periodontic services	WSR 23-13-022 Filed 6/9/2023		
182-535A-0040	Orthodontic treatment and orthodontic-related services—Covered, noncovered, and limitations to coverage	WSR 23-13-024 Filed 6/9/2023		
182-546 (Multiple sections)	Transportation services—Nonemergency transportation	WSR 22-24-114 Filed 12/7/2022	CR-102 WSR 23-14-121 Public hearing scheduled for 8/8/2023	
182-550-2900 182-550-3800 182-550-3830 182-550-4500 182-550-7200 182-550-7550 182-550-8000 180-550-8100	Hospital—General policy updates	WSR 23-13-104 Filed 6/20/2023		
182-550-4400 182-550-4550 182-550-4800	Exempt from DRG payment; Administrative swing day rate and swing bed day rate; Hospital payment methods—State-administered programs	WSR 23-13-105 Filed 6/20/2023		
182-550-2600	Inpatient psychiatric services	WSR 20-21-106 Filed 10/21/2020 Withdrawn WSR 23-12-010 Filed 5/25/2023		
182-550-1100 182-550-2750 182-550-4700 182-550-5425	Hospital rules—Correct typographical error and repealing rules no longer necessary		CR-105 WSR 23-14-023 Filed 6/23/2023 Comments due 6/9/2023	
182-558	Premium payment program	WSR 23-07-109 Filed 3/20/2023		
New chapter 182-561	Community behavioral health support services	WSR 22-09-074 Filed 4/19/2022	CR-102 WSR 23-08-048 Public hearing scheduled for 5/9/2023. CR-102 withdrawn under WSR 23-10-020 before hearing held.	
WASHINGTON APPLE HEALTH (EXPANSION)				
<i>New rules – number not assigned yet</i>	Rules related to ESSB 5187.SL, Section 211(83)	WSR 23-14-063 Filed 6/28/2023		

KEY :

CR: "Code reviser" on the rule-making forms produced by the office of the code reviser.

CR-101: Preproposal statement of inquiry filed under RCW 34.05.310.

CR-102: Proposed rule-making notice filed under RCW 34.05.320 or 34.05.340.

CR-103: Rule-making order permanently adopting a rule, and filed under RCW 34.05.360 and 34.05.380.

CR-105: Expedited rule-making proposal filed under RCW 34.05.353.

RCW: Revised Code of Washington.

WAC: Washington Administrative Code.

WSR: Washington State Register official filing reference number given by the office of the code reviser when a notice is filed.

Wendy Barcus
Rules Coordinator