

WSR 21-20-084
PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF HEALTH

[Filed September 30, 2021, 2:04 p.m.]

Subject of Possible Rule Making: WAC 246-335-510, 246-335-545, 246-335-610, and 246-335-645 in chapter 246-335 WAC, In-home services agencies. The department of health (department) will consider amending requirements for how in-home services agencies perform supervisory visits. This may include permanently adopting some measures used throughout the coronavirus disease 2019 (COVID-19) pandemic, such as expanding the definition of "telemedicine," removing the requirement that supervisory visits must occur during an on-site visit, and other regulatory flexibilities as appropriate. Additionally, the department will consider whether amendments are necessary to align with ESHB 1196 (chapter 157, Laws of 2021), audio-only telemedicine legislation that was passed during the 2021 legislative session.

Statutes Authorizing the Agency to Adopt Rules on this Subject:
RCW 70.127.120.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The department currently has an emergency rule on this topic, filed August 3, 2021, under WSR 21-16-096. Emergency rules were adopted to continue allowing telemedicine supervisory visits after the end of the COVID-19 declared emergency.

Currently, state and federal waivers effective during the COVID-19 declared emergency allow in-home services agencies additional flexibilities, one of which is the ability to conduct supervisory visits through telemedicine. Once authorizing waivers are discontinued at the end of the declared emergency, this flexibility would end. Given the success of the telemedicine supervisory visits at promoting social distancing, increasing agency efficiency, and allowing supervisors to devote more time to clinical care activities, the department will consider permanent rules adopting this practice. Such amendments may be particularly impactful in rural communities, where vaccination rates are lower and more travel time is required for on-site visits.

Additionally, ESHB 1196, which defines when and how audio-only telemedicine can be used, passed in the 2021 legislative session. The department will consider the impact of ESHB 1196 and whether these sections of chapter 246-335 WAC should be amended to align with new statutory language.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: The department will collaborate as appropriate with the health care authority, which is involved with telemedicine reimbursement.

Process for Developing New Rule: Collaborative.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting John Hilger, P.O. Box 47852, Olympia, WA 98504-7852, phone 360-236-2929, TTY 711, email john.hilger@doh.wa.gov.

Additional comments: Rule-making notices will be delivered via GovDelivery. To receive notices, interested persons may sign up for any or all of the lists. Please go to <https://public.govdelivery.com/accounts/WADOH/subscriber/new>. After signing in, please click open the box labeled "Health Systems Quality Assurance." Next click open the box labeled "Community Health Systems." From there, you may check the box next to one or more of the facility types and programs listed.

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