

WSR 23-17-111

PROPOSED RULES

HEALTH CARE AUTHORITY

[Filed August 17, 2023, 2:19 p.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 23-11-079.

Title of Rule and Other Identifying Information: Chapter 182-135 WAC, Recovery residence program.

Hearing Location(s): On September 26, 2023, at 10:00 a.m. The health care authority (HCA) holds public hearings virtually without a physical meeting place. To attend the virtual public hearing, you must register in advance https://us02web.zoom.us/webinar/register/WN_E7tAxNWnSVCG-SIhvxxsWg. 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: September 27, 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 September 26, 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 September 8, 2023.

Purpose of the Proposal and Its Anticipated Effects, Including Any Changes in Existing Rules: HCA is amending this chapter to include program definitions, as well as rules regarding eligible providers and recovery residence referrals.

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: Melinda Froud, P.O. Box 42716, Olympia, WA 98504-2716, 360-725-1408; Implementation and Enforcement: Maureen Bailey, P.O. Box 42730, Olympia, WA 98504-2730, 360-725-0487.

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.

Scope of exemption for rule proposal from Regulatory Fairness Act requirements:

Is not exempt.

The proposed rule does not impose more-than-minor costs on businesses. Following is a summary of the agency's analysis showing how costs were calculated. The proposed rules do not impose costs on businesses.

August 17, 2023
Wendy Barcus
Rules Coordinator

OTS-4766.2

Chapter 182-135 WAC
RECOVERY RESIDENCE ((REVOLVING LOAN)) PROGRAM

AMENDATORY SECTION (Amending WSR 21-17-089, filed 8/13/21, effective 9/13/21)

WAC 182-135-0100 ((General.)) Purpose and scope. (1) The health care authority operates programs to support people who are in recovery from substance use disorder ((as described in RCW 41.05.760)). Recovery residences provide housing for people in recovery from substance use disorder. These residences are safe, established homes that meet the standards set by the authority for the accreditation process.

(2) This chapter addresses recovery residence referrals, accreditation, and start-up loans.

NEW SECTION

WAC 182-135-0110 Definitions. The following definitions apply to this chapter:

"Accredited" means an organization approved by the National Alliance of Recovery Residences (NAAR).

"Appropriate client" means a person in recovery from substance use disorder who meets the requirements established by a recovery residence on the registry.

"Approved recovery residence" means a home-like environment free from alcohol and illicit drug use with a focus on peer support, assistance with obtaining addiction services, and other recovery services and support that:

(a) Is approved through the health care authority's contracted accreditation process; and

(b) Appears on the registry.

"Licensed or certified service provider" means a person licensed, certified, registered, or otherwise authorized by the department of health and the relevant health profession, to provide services under Title 18 RCW.

"Refer" means providing an appropriate client with option-based information pertaining to potential recovery residences and does not include client placement.

"Registry" means a list of recovery residences that are accredited and agency-approved, as described in RCW 41.05.760.

NEW SECTION

WAC 182-135-0120 Recovery residence referrals. A licensed or certified service provider may refer an appropriate client only to a recovery residence that is included in the registry, except as provided in WAC 182-135-0130.

NEW SECTION

WAC 182-135-0130 Approved recovery residences—Exception. If an approved recovery residence is not located in an appropriate client's desired county, a licensed or certified service provider may refer the client to another suitable placement or service.

AMENDATORY SECTION (Amending WSR 21-17-089, filed 8/13/21, effective 9/13/21)

WAC 182-135-0200 Operating fund. (1) **Purpose.** The health care authority has established the recovery residence operating revolving loan to maintain an ongoing revolving fund, as authorized by 42 U.S.C. Sec. 300x-25(a) and as described in RCW 41.05.762.

(2) **Fund.** The fund identified in subsection (1) of this section lends money to pay for the operating start-up costs associated with recovery residence programs. These costs include, but are not limited to:

- (a) One-time rent or mortgage payments;
- (b) Utility security deposits;
- (c) Salaries for on-site staff;
- (d) Minimal maintenance costs; and
- (e) Furnishings purchased for recovery residences.

(3) **Maximum loan amount.** A loan from the fund is for an amount of up to four thousand dollars.

(4) **Eligible recipients.** To be an eligible recovery residence recipient, an entity must:

- (a) Be on the (~~recovery residence~~) registry published on the authority's website or be actively seeking certification and registration under RCW 41.05.760;
- (b) Be a Washington state nonprofit organization;
- (c) Operate a recovery residence for a group of at least six people;
- (d) Prohibit the use of alcohol, marijuana, or any illegal drug in the residence;
- (e) Have a policy in place to address any use of alcohol, marijuana, or an illegal drug by residents; and
- (f) Allow the use of any prescribed medication for physical health, mental health, and substance use disorders.

(5) **Requirements for residents.** Residents must:

- (a) Pay for the cost of recovery residence housing, including any rent or fees; and
- (b) Through a majority vote, establish policies governing residence in the housing, including how residence applications are approved.

(6) **Application requirement.** To be an applicant, an entity that meets the requirements of subsection (4) of this section must apply for a recovery residence operating loan using the application process described on the authority's website.

(7) **Loan repayments.**

(a) Each recovery residence loan made under this section must be repaid by the residents of the recovery residence that received the funds. The loan must be paid in full within two years from the date the loan was made.

(b) Residents must repay the loan through monthly installments set by the authority.

(8) **Assessment of penalties.** The authority may assess a reasonable penalty for each failure to pay the monthly installment described in subsection (7) of this section by the date specified in the loan agreement between the authority and the recovery residence operator involved in the agreement.

(9) **Appeals.**

(a) An applicant or recipient may appeal an adverse decision notice and request an administrative hearing under chapter 182-526 WAC by following the instructions included in the notice.

(i) An applicant may appeal a denial of a loan request as described in (a) of this subsection.

(ii) A recipient may appeal the following actions including, but not limited to:

(A) Late payment fees;

(B) Default due to nonpayment; or

(C) Default due to losing Washington alliance for quality recovery residences accreditation.

(b) An applicant or recipient of this program has (~~ninety~~) 90 days from the receipt of the adverse decision to appeal and must follow the process contained in the notice.