

## WSR 25-07-037

## PROPOSED RULES

## HEALTH CARE AUTHORITY

[Filed March 11, 2025, 1:51 p.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 24-14-066.

Title of Rule and Other Identifying Information: WAC 182-561-0500  
Service tiers.

Hearing Location(s): On April 22, 2025, 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 at [https://us02web.zoom.us/webinar/register/WN\\_lmfkt8yLSuaGbGRePeDM4w](https://us02web.zoom.us/webinar/register/WN_lmfkt8yLSuaGbGRePeDM4w).

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: April 23, 2025.

Submit Written Comments to: HCA Rules Coordinator, P.O. Box 42716, Olympia, WA 98504-2716, email [arc@hca.wa.gov](mailto:arc@hca.wa.gov), fax 360-586-9727, beginning March 12, 2025, 8:00 a.m., by April 22, 2025, by 11:59 p.m.

Assistance for Persons with Disabilities: Contact Johanna Larson, phone 360-725-1349, fax 360-586-9727, telecommunication relay service 711, email [Johanna.Larson@hca.wa.gov](mailto:Johanna.Larson@hca.wa.gov), by April 4, 2025.

Purpose of the Proposal and Its Anticipated Effects, Including Any Changes in Existing Rules: HCA is amending this rule to correct the number of service hours in the eligibility criteria for Tier 4 and Tier 5 community behavioral support services and to list the service hours on the table in a consistent format.

Reasons Supporting Proposal: See purpose.

Statutory Authority for Adoption: RCW 41.05.021 and 41.05.160.

Statute Being Implemented: RCW 41.05.021 and 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: Rebecca Carrell, P.O. Box 45534, Olympia, WA 98504-5534, 360-725-5707.

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. This rule corrects the number of service hours for two tiers and does not impose any costs on small businesses.

March 11, 2025  
Wendy Barcus  
Rules Coordinator

RDS-6185.1

AMENDATORY SECTION (Amending WSR 24-10-081, filed 4/30/24, effective 7/1/24)

**WAC 182-561-0500 Service tiers.** (1) The agency has established tiers for community behavioral health support services using the needs-based criteria and risk criteria in WAC 182-561-0300.

(2) At a minimum, a person determined eligible for supportive supervision qualifies to receive Tier 1 services for an average of two hours per day.

(3) The agency determines tiers based on medical appropriateness and clinical acuity, using the following tier structure:

Tier Level	Eligibility Criteria	Renewal or Reassessment Criteria
<p><b>Tier 1 Services</b></p>	<p>A person is eligible for Tier 1 services (0.5 - 2.0 hours per day) if they:</p> <ul style="list-style-type: none"> <li>• Demonstrate a qualifying behavior that requires daily intermittent monitoring, redirection, and cueing to promote community stability and to ensure the safety of the person and other residents; or</li> <li>• Have a significant history of behaviors that are well-managed in a highly structured setting but are at risk of recurring in a community setting if not met with the appropriate level of supportive supervision.</li> </ul>	<p>For renewal or assessment, the person has a history of behaviors meeting the guidelines for Tier 1, which are currently prevented only by additional skilled staff intervention.</p>
<p><b>Tier 2 Services</b></p>	<p>A person is eligible for Tier 2 services if they:</p> <ul style="list-style-type: none"> <li>• Demonstrate current qualifying behaviors at a frequency that requires an average of 2.1 to <del>((6))</del> 6.0 hours per day of dedicated staff to redirect, deescalate, and cue to promote community stability and to ensure the safety of the person and the other residents; or</li> <li>• Have demonstrated multiple qualifying behaviors requiring an average of 2.1 to <del>((6))</del> 6.0 hours per day of one-on-one staffing within the past month. Behaviors may be well-managed in a highly structured setting but are at risk of recurring in a community setting if not met with the appropriate level of supportive supervision.</li> </ul>	<p>For renewal or reassessment, the person has a history of behavior or behaviors meeting the guidelines for Tier 2, which are currently prevented only by additional skilled staff intervention at this tier level.</p>

Tier Level	Eligibility Criteria	Renewal or Reassessment Criteria
<p><b>Tier 3 Services</b></p>	<p>A person is eligible for Tier 3 services if they:</p> <ul style="list-style-type: none"> <li>• Demonstrate multiple qualifying behaviors at a frequency and intensity that requires an average of 6.1 to <del>((10))</del> <u>10.0</u> hours per day of one-on-one staffing to redirect, engage, deescalate, and cue to promote community stability and to ensure the safety of the person and other residents; or</li> <li>• Have demonstrated multiple qualifying behaviors requiring an average of 6.1 to <del>((10))</del> <u>10.0</u> hours per day of one-on-one staffing within the past month. Behaviors may be well-managed in a highly structured setting but are at risk of recurring or increasing in frequency or severity in a community setting if not met with the appropriate level of supportive supervision.</li> </ul>	<p>For renewal or reassessment, the person has a history of behaviors meeting the guidelines for Tier 3, which are currently preventable only by additional skilled staff intervention at this tier level.</p>
<p><b>Tier 4 Services</b></p>	<p>A person is eligible for Tier 4 services if they:</p> <ul style="list-style-type: none"> <li>• Demonstrate multiple qualifying behaviors at a frequency and intensity that requires an average of 10.1 to <del>((16))</del> <u>15.0</u> hours per day of one-on-one staffing to redirect, engage, deescalate, and cue to promote community stability and to ensure the safety of the person and other residents; or</li> <li>• Have demonstrated multiple qualifying behaviors requiring an average of 10.1 to <del>((16))</del> <u>15.0</u> hours per day of one-on-one staffing within the past month. Behavior requires at least one-on-one intervention, even in a structured setting, but the behavior may be at risk of increasing in frequency, or severity, or both, in a community setting if not met with the appropriate level of supportive supervision.</li> </ul>	<p>For renewal or reassessment, the person has a history of behavior meeting the guidelines for Tier 4, which are currently prevented only by additional skilled staff interventions at this tier level.</p>
<p><b>Tier 5 Services</b></p>	<p>A person is eligible for Tier 5 services when:</p> <ul style="list-style-type: none"> <li>• The person demonstrates multiple behaviors at a frequency and intensity that requires an average of <del>((16.1 to 20))</del> <u>15.1 to 20.0</u> hours per day of one-on-one staffing to redirect, engage, deescalate, and cue to promote community stability and to ensure the safety of the person and other residents; or</li> <li>• The person's behavior requires daily one-on-one intervention even in the context of a structured setting, and there would be an imminent risk of harm if the person does not receive an average of <del>((16.1 to 20))</del> <u>15.1 to 20.0</u> hours per day of at least one-on-one staffing in a community setting.</li> </ul>	<p>For renewal or reassessment, the person has a history of behavior meeting the guidelines for Tier 5, which are currently prevented only by additional skilled staff intervention at this tier level.</p>

Tier Level	Eligibility Criteria	Renewal or Reassessment Criteria
<p><b>Tier 6 Services</b></p>	<p>A person is eligible for Tier 6 services when:</p> <ul style="list-style-type: none"> <li>• The person demonstrates multiple qualifying behaviors at a frequency and intensity that requires an average of 20.1 to 24 hours per day of one-on-one staffing or has regular episodes that require multiple staff to redirect, engage, deescalate, and cue to promote community stability and to ensure the safety of the person and other residents; or</li> <li>• The person's behavior requires constant one-on-one monitoring and intervention, even in the context of a structured setting, and there would be an imminent risk of harm if the person does not receive an average of 20.1 to 24 hours per day of at least one-on-one staffing in a community setting.</li> </ul>	<p>For renewals or reassessment, the person has a history of behavior meeting the guidelines for Tier 6, which are currently prevented only by additional skilled staff intervention at this tier level.</p>