



PREPROPOSAL STATEMENT OF INQUIRY

CR-101 (August 2017) (Implements RCW 34.05.310)

Do **NOT** use for expedited rule making

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FILED

DATE: May 18, 2018

TIME: 3:59 PM

WSR 18-11-093

Agency: Health Care Authority

Subject of possible rule making: WAC 182-543-9000 DME and related supplies, complex rehabilitation, prosthetics, orthotics, medical supplies and related services—General reimbursement; 182-543-9100 Reimbursement method—Other DME.; 182-543-9200 Reimbursement method—Wheelchairs; 182-543-9250 Reimbursement method—Complex rehabilitation technology; 182-543-9300 Reimbursement method—Prosthetics and orthotics; 182-543-9400 Reimbursement method—Medical supplies and related services; other related rules as appropriate.

Statutes authorizing the agency to adopt rules on this subject: RCW 41.05.021, 74.08.090, 74.04.050, 42 C.F.R. § 431.16, § 1903(i)(27) of the Social Security Act

Reasons why rules on this subject may be needed and what they might accomplish: The agency intends to amend Chapter 182-543 WAC to align with section 503 of the Consolidated Appropriations Act, 2016 and section 5002 of the 21st Century Cures Act of 2016, which added section 1903(i)(27) to the Social Security Act (the Act). These changes prohibit federal Medicaid reimbursement to states for certain durable medical equipment (DME) expenditures that are, in the aggregate, in excess of what Medicare would have paid for such items. During the course of this review, the agency may identify additional changes that are required in order to improve clarity or update policy.

Identify other federal and state agencies that regulate this subject and the process coordinating the rule with these agencies: Centers for Medicare and Medicaid Services (CMS)

Process for developing new rule (check all that apply):

Negotiated rule making

Pilot rule making

Agency study

Other (describe) The agency welcomes the public to take part in developing this rule. If interested, contact the person

identified below to receive an early rule draft to review. After the early review, the agency will send a notice of proposed rulemaking (CR-102) to everyone receiving this notice and anyone who requests a copy.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting:

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(If necessary)

Name:
Address:
Phone:
Fax:
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Web site:
Other:

Additional comments:

Date: May 18, 2018

Name: Wendy Barcus

Title: HCA Rules Coordinator

Signature: