



PREPROPOSAL STATEMENT OF INQUIRY

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

Do **NOT** use for expedited rule making

CODE REVISER USE ONLY

OFFICE OF THE CODE REVISER
STATE OF WASHINGTON
FILED

DATE: October 02, 2019

TIME: 8:26 AM

WSR 19-20-108

Agency: Health Care Authority

Subject of possible rule making:

WAC 182-546-5100 Nonemergency transportation (NEMT)-Definitions

WAC 182-546-5550 NEMT-Exclusions and limitations

WAC 182-546-5900 NEMT-Meals, lodging, escort/guardian

WAC 182-546-6200 NEMT-Reimbursement

Other related rules as appropriate.

Statutes authorizing the agency to adopt rules on this subject: RCW 41.05.021, 41.05.160; 42 CFR 431.53 and 42 CFR 440.170

Reasons why rules on this subject may be needed and what they might accomplish: The agency is revising these sections to clarify services in accordance with 42 CFR 431.53 and 42 CFR 440.170. Specifically, the agency is considering:

- (1) Revising the definition of "extended stay" to mean a period of time spanning 30 consecutive days, revising the definition of "short stay" to mean a period of time spanning 29 days, and adding a definition for service animal;
- (2) Revising section -5550 (exclusion and limitations) to include substance use disorder;
- (3) Revising where nonemergency transportation is not provided;
- (4) Clarifying that nonemergency transportation for clients in the Program of All-Inclusive Care for Elderly (PACE) program is the responsibility of the PACE contractor and is not provided through brokers;
- (5) Adding a requirement that brokers may not authorize payment for alcohol, cannabis, or other nonfood items;
- (6) Clarifying that for short stays, the cost of meals may not exceed the state per diem rate;
- (7) Revising the requirement that receipts for mileage, fuel, parking, bridge tolls, or ferry fees must be itemized.

During the course of this review, the agency may identify additional related 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: The Center 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:

Name: Valerie Smith
Address: PO Box 42716, Olympia, WA 98504-2716
Phone: 360-725-1344
Fax: 360-586-9727
TTY: Telecommunication Relay Services (TRS): 711
Email: valerie.smith@hca.wa.gov
Web site: www.hca.wa.gov/about-hca/rulemaking

(If necessary)

Name: James Walters
Address: PO Box 45530, Olympia, WA 98504-5530
Phone: 360-725-1721
Fax: 360-586-9727
TTY: Telecommunication Relay Services (TRS): 711
Email: james.walters@hca.wa.gov
Web site: : www.hca.wa.gov/about-hca/rulemaking

Other:	Other:
Additional comments:	
Date: October 2, 2019	Signature: 
Name: Wendy Barcus	
Title: HCA Rules Coordinator	