



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: February 14, 2020

TIME: 10:21 AM

WSR 20-05-055

Agency: Health Care Authority

Subject of possible rule making: WAC 182-501-0200 Third-party resources; other related rules as appropriate.

Statutes authorizing the agency to adopt rules on this subject: RCW 41.05.021, 41.05.160; 42 USC Sec. 1902(a)(25)(E) of the Social Security Act and section 53102(a)(1) of the Bipartisan Budget Act of 2018; 42 USC Sec.1305(7)(a) (Medicaid Services Investment and Accountability Act of 2019)

Reasons why rules on this subject may be needed and what they might accomplish: The agency is amending this section to implement requirements in the Bipartisan Budget Act of 2018 which requires state Medicaid agencies to use cost-avoidance on labor, delivery, and postpartum care claims. The Bipartisan Budget Act of 2018 also delayed the implementation of a provision in the Bipartisan Budget Act of 2013 that allowed payment up to 90 days for claims associated with medical support enforcement, rather than 30 days under the previous law. The agency is revising this section to implement this provision, now amended to 100 days, rather than 90, by the Medicaid Services Investment and Accountability Act of 2019. 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: Centers for Medicare & Medicaid Services (CMS), coordinated through the State Plan Amendment process.

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: Michael Williams (Rulemaking Process Questions)

Address: PO Box 42716, Olympia WA, 98504-2716

Phone: (360) 725-1346

Fax: (360) 586-9727

TTY: Telecommunication Relay Services (TRS): 711

Email: michael.williams@hca.wa.gov

Web site: www.hca.wa.gov/about-hca/rulemaking

Other:

(If necessary)

Name: Mark Benya (Program Policy Questions)

Address: PO Box 42716, Olympia WA, 98504-2716

Phone: (360) 725-1891

Fax: (360) 586-9727

TTY: Telecommunication Relay Services (TRS): 711

Email: mark.benya@hca.wa.gov

Web site: www.hca.wa.gov/about-hca/rulemaking

Other:

Additional comments:

| | |
|-------------------------------------|--|
| Date: February 14, 2020 | Signature:  |
| Name: Wendy Barcus | |
| Title: HCA Rules Coordinator | |