



PREPROPOSAL STATEMENT OF INQUIRY

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

Do NOT use for expedited rule making

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STATE OF WASHINGTON
FILED

DATE: February 19, 2020

TIME: 9:12 AM

WSR 20-05-090

Agency: Health Care Authority

Subject of possible rule making: WAC 182-501-0165 Medical and dental coverage – Fee-for-service (FFS) prior authorization – Determination process for payment; other related rules as appropriate.

Statutes authorizing the agency to adopt rules on this subject: RCW 41.05.021, RCW 41.05.160

Reasons why rules on this subject may be needed and what they might accomplish:

The agency (HCA) is updating WAC 182-501-0165 to further implement full integration of behavioral health in HCA's Medicaid program by removing the term "mental health" and replacing it with the term "behavioral health." This change will ensure clarity that clients receiving behavioral health services under HCA's Medicaid fee-for-service program receive appropriate notices and opportunities for hearings based on adverse benefit decisions resulting from prior authorization.

Many legislative changes have occurred this decade, including integrating substance use disorder services with delivery of mental health disorder treatments known as "behavioral health," the transition of behavioral health from the Department of Social and Health Services (DSHS) to the Washington State Health Care Authority (HCA) through Second Engrossed Substitute House Bill 1388, Chapter 201, Laws of 2018, then the full integration of physical and behavioral health purchasing and administration in Engrossed Second Substitute Senate Bill 5432, Chapter 325, Laws of 2019.

Identify other federal and state agencies that regulate this subject and the process coordinating the rule with these agencies: N/A

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: Melinda Froud (Rulemaking Questions)
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 Other:

(If necessary)

Name: Josh Morse (Program Questions)
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 Other:

Additional comments:

Date: February 19, 2020	Signature: 
Name: Wendy Barcus	
Title: HCA Rules Coordinator	