



# PREPROPOSAL STATEMENT OF INQUIRY

**CR-101 (October 2017)**  
**(Implements RCW 34.05.310)**

Do **NOT** use for expedited rule making

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STATE OF WASHINGTON  
FILED

**DATE: February 13, 2023**

**TIME: 11:30 AM**

**WSR 23-05-066**

**Agency:** Health Care Authority

**Subject of possible rule making:** WAC 182-552-0005 Respiratory care – Definition; 182-552-0200 – Respiratory care – Provider requirements; 182-552-0800 Respiratory care – Covered – Oxygen and oxygen equipment; 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**Reasons why rules on this subject may be needed and what they might accomplish:** The agency is removing the outdated clinical criteria for coverage of oxygen and is also revising other criteria. The clinical criteria in the current rules are more restrictive than Medicare's current clinical criteria, which causes providers to request prior authorization more frequently than necessary. Under this rulemaking, the agency plans to align the rules with Medicare's current requirements. During the course of this review, HCA 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:** 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)  
Address: PO Box 42716, Olympia, WA 98504-2716  
Phone: 360-725-1408  
Fax: 360-586-9727  
TTY: Telecommunication Relay Services (TRS): 711  
Email: melinda.froud@hca.wa.gov  
Web site: [www.hca.wa.gov/about-hca/rulemaking](http://www.hca.wa.gov/about-hca/rulemaking)  
Other:

(If necessary)

Name: Krista McClellan (Program Questions)  
Address: PO Box 45506, Olympia, WA 98504-5506  
Phone: 360-725-1611  
Fax: 360-586-9727  
TTY: Telecommunication Relay Services (TRS): 711  
Email: krista.mcclellan@hca.wa.gov  
Web site: [www.hca.wa.gov/about-hca/rulemaking](http://www.hca.wa.gov/about-hca/rulemaking)  
Other:

Additional comments:

**Date:** February 13, 2023

**Name:** Wendy Barcus

**Title:** HCA Rules Coordinator

**Signature:**