



# PREPROPOSAL STATEMENT OF INQUIRY

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

Do **NOT** use for expedited rule making

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FILED

DATE: June 09, 2023

TIME: 2:01 PM

WSR 23-13-023

**Agency:** Health Care Authority

**Subject of possible rule making:**

182-531A-0200 Applied behavior analysis (ABA) – Definitions  
182-531A-0400 Applied behavior analysis (ABA) – Client eligibility  
182-531A-0500 Applied behavior analysis (ABA) – Stage one: COE evaluation and order  
182-531A-0600 Applied behavior analysis (ABA) – Stage two: Functional assessment and treatment plan development  
182-531A-0800 Applied behavior analysis (ABA) – Provider requirements  
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 amending these rules to: (1) Remove language referencing a Center of Excellence (COE) as a facility rather than an individual provider; for the purposes of this chapter, COE means an individual provider. (2) Update the COE definition in 182-531A-0200. (3) Add physician assistants and naturopaths to the list of eligible providers who can diagnose autism spectrum disorder. (4) Add additional clarification and requirement that ARNPs, physicians, physician assistants, and naturopaths must complete the required COE training authorized by the agency. Additionally, physician assistants and naturopaths, in order to be recognized as a COE by the agency, must submit a signed COE attestation form, HCA 13-0009, to the agency. (5) Remove subsection (12)(b) – The attestation form regarding ABA qualifications, HCA 13-0008, is not required by the certified behavior technician. (6) Clarify in 182-531A-0800(6) all COEs must be enrolled with the agency and all COEs providing services to clients enrolled with an MCO must also be contracted with the MCO per the MCO contract specifications in accordance with 42 CFR 438.14 to be reimbursed for fee-for-service or managed care organization (MCO) services. (7) Add housekeeping changes such as updating the term “clinician” to “provider” for language consistency and the term “order or ordered” to “prescribed or prescription” to align with standard of language that ABA therapy is a prescription. 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:** The 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:**

Name: Valerie Freudenstein (Rulemaking Questions)  
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(If necessary)

Name: Alyssa Jennings (Program Questions)  
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Web site: [www.hca.wa.gov/about-hca/rulemaking](http://www.hca.wa.gov/about-hca/rulemaking)

Other:

Other:

Additional comments:

**Date:** June 9, 2023

**Name:** Wendy Barcus

**Title:** HCA Rules Coordinator

**Signature:**

A handwritten signature in black ink that reads "Wendy Barcus". The signature is written in a cursive style with a large initial 'W'.