



PROPOSED RULE MAKING

CR-102 (December 2017) (Implements RCW 34.05.320)

Do NOT use for expedited rule making

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STATE OF WASHINGTON
FILED

DATE: June 08, 2018

TIME: 11:18 AM

WSR 18-13-022

Agency: Health Care Authority

Original Notice

Supplemental Notice to WSR _____

Continuance of WSR _____

Preproposal Statement of Inquiry was filed as WSR 16-14-040 ; or

Expedited Rule Making--Proposed notice was filed as WSR _____; or

Proposal is exempt under RCW 34.05.310(4) or 34.05.330(1); or

Proposal is exempt under RCW _____.

Title of rule and other identifying information: (describe subject) WAC 182-546-4600 Ambulance Transportation – Involuntary substance use disorder treatment – Ricky Garcia Act.

Hearing location(s):

Date:	Time:	Location: (be specific)	Comment:
July 25, 2018	10:00 AM	Health Care Authority Cherry Street Plaza Pear Conf Room #107 626 8 th Ave, Olympia WA 98504	Metered public parking is available street side around building. A map is available at: https://www.hca.wa.gov/assets/program/Driving-parking-checkin-instructions.pdf or directions can be obtained by calling: (360) 725-1000

Date of intended adoption: Not sooner than July 26, 2018 (Note: This is **NOT** the effective date)

Submit written comments to:

Name: HCA Rules Coordinator

Address: PO Box 42716, Olympia WA 98504-2716

Email: arc@hca.wa.gov

Fax: (360) 586-9727

Other:

By (date) July 25, 2018

Assistance for persons with disabilities:

Contact Amber Lougheed

Phone: (360) 725-1349

Fax: (360) 586-9727

TTY: (800) 848-5429 or 711

Email: amber.lougheed@hca.wa.gov

Other:

By (date) July 20, 2018

Purpose of the proposal and its anticipated effects, including any changes in existing rules: WAC 182-546-4600 allows for ambulance transportation for involuntary substance use disorder treatment.

Reasons supporting proposal: The agency is creating WAC 182-546-4600 to implement Engrossed Substitute House Bill 1713, also known as the Ricky Garcia Act.

Statutory authority for adoption: RCW 41.05.021, 41.05.160, ESHB 1713 Chapter 29, 2016 Laws 1st Special Session

Statute being implemented: RCW 41.05.021, 41.05.160, ESHB 1713 Chapter 29, 2016 Laws 1st Special Session

Is rule necessary because of a:

Federal Law? Yes No
Federal Court Decision? Yes No
State Court Decision? Yes No

If yes, CITATION:

Agency comments or recommendations, if any, as to statutory language, implementation, enforcement, and fiscal matters: N/A

Name of proponent: (person or organization) Health Care Authority Private
 Public
 Governmental

Name of agency personnel responsible for:

	Name	Office Location	Phone
Drafting:	Amy Emerson	PO Box 42716, Olympia WA 98504-2716	360-725-1348
Implementation:	Abigail Cole	P.O. Box 45510, Olympia WA 98504-5510	360-725-1835
Enforcement:	Abigail Cole	P.O. Box 45510, Olympia WA 98504-5510	360-725-1835

Is a school district fiscal impact statement required under RCW 28A.305.135? Yes No

If yes, insert statement here:

The public may obtain a copy of the school district fiscal impact statement by contacting:

Name:
Address:
Phone:
Fax:
TTY:
Email:
Other:

Is a cost-benefit analysis required under RCW 34.05.328?

Yes: A preliminary cost-benefit analysis may be obtained by contacting:
Name:
Address:
Phone:
Fax:
TTY:
Email:
Other:

No: Please explain: RCW 34.05.328 does not apply to Health Care Authority rules unless requested by the Joint Administrative Rules Review Committee or applied voluntarily.

Regulatory Fairness Act Cost Considerations for a Small Business Economic Impact Statement:

This rule proposal, or portions of the proposal, **may be exempt** from requirements of the Regulatory Fairness Act (see chapter 19.85 RCW). Please check the box for any applicable exemption(s):

This rule proposal, or portions of the proposal, is exempt under RCW 19.85.061 because this rule making is being adopted solely to conform and/or comply with federal statute or regulations. Please cite the specific federal statute or regulation this rule is being adopted to conform or comply with, and describe the consequences to the state if the rule is not adopted.

Citation and description:

This rule proposal, or portions of the proposal, is exempt because the agency has completed the pilot rule process defined by RCW 34.05.313 before filing the notice of this proposed rule.

This rule proposal, or portions of the proposal, is exempt under the provisions of RCW 15.65.570(2) because it was adopted by a referendum.

This rule proposal, or portions of the proposal, is exempt under RCW 19.85.025(3). Check all that apply:

- RCW 34.05.310 (4)(b) (Internal government operations)
- RCW 34.05.310 (4)(c) (Incorporation by reference)
- RCW 34.05.310 (4)(d) (Correct or clarify language)
- RCW 34.05.310 (4)(e) (Dictated by statute)
- RCW 34.05.310 (4)(f) (Set or adjust fees)
- RCW 34.05.310 (4)(g) ((i) Relating to agency hearings; or (ii) process requirements for applying to an agency for a license or permit)

This rule proposal, or portions of the proposal, is exempt under RCW ____.

Explanation of exemptions, if necessary:

COMPLETE THIS SECTION ONLY IF NO EXEMPTION APPLIES

If the proposed rule is **not exempt**, does it impose more-than-minor costs (as defined by RCW 19.85.020(2)) on businesses?

No Briefly summarize the agency's analysis showing how costs were calculated. The updates to WAC 182-546-4600 do not impose additional compliance costs or requirements on providers.

Yes Calculations show the rule proposal likely imposes more-than-minor cost to businesses, and a small business economic impact statement is required. Insert statement here:

The public may obtain a copy of the small business economic impact statement or the detailed cost calculations by contacting:

- Name:
- Address:
- Phone:
- Fax:
- TTY:
- Email:
- Other:

Date: June 8, 2018

Name: Wendy Barcus

Title: HCA Rules Coordinator

Signature:



NEW SECTION

WAC 182-546-4600 Ambulance transportation—Involuntary substance use disorder treatment—Ricky Garcia Act. (1) Definitions. For the purposes of this section, the following definitions and those found in chapter 182-500 WAC apply:

(a) **"Behavioral health organization (BHO)"** - See WAC 182-500-0015.

(b) **"Chemical dependency professional"** means a person certified as a chemical dependency professional by the department of health (DOH) under chapter 18.205 RCW.

(c) **"Designated crisis responder (DCR)"** means a mental health professional appointed by the behavioral health organization (BHO) to perform the duties described in RCW 70.96A.140.

(d) **"Detention"** or **"detain"** means the lawful confinement of a person, under chapter 71.05 RCW.

(e) **"Gravely disabled"** means a condition in which a person, as a result of a mental disorder, or as the result of the use of alcohol or other psychoactive chemicals:

(i) Is in danger of serious physical harm as a result of being unable to provide for personal health or safety; or

(ii) Shows repeated and escalating loss of cognitive control over personal actions and is not receiving care essential for personal health or safety.

(f) **"Less restrictive alternative treatment"** means a program of individualized treatment in a less restrictive setting than inpatient treatment and that includes the services described in RCW 71.05.585.

(g) **"Nearest and most appropriate destination"** means the nearest facility able and willing to accept the involuntarily detained person for treatment, not the closest facility based solely on driving distance.

(h) **"Secure detoxification facility"** means a facility operated by either a public or private agency that:

(i) Provides for intoxicated people:

(A) Evaluation and assessment by certified chemical dependency professionals;

(B) Acute or subacute detoxification services;

(C) Discharge assistance by certified chemical dependency professionals, including assistance with transitions to appropriate voluntary or involuntary inpatient services, or to less-restrictive alternatives appropriate for the client;

(ii) Includes security measures sufficient to protect the patients, staff, and community; and

(iii) Is certified as a secure withdrawal management and stabilization facility by the department of social and health services (DSHS) and the department of health (DOH).

(2) For a client involuntarily detained for substance use disorder (SUD) treatment, the agency covers transportation services under the ITA when the client has been assessed by a DCR and found to be one of the following:

(a) A danger to self;

(b) A danger to others;

(c) At substantial risk of inflicting physical harm upon the property of others; or

(d) Gravely disabled as a result of SUD.

(3) The agency pays for transportation under this section only when the transportation is:

(a) From one of the following locations:

(i) The site of the initial detention;

(ii) A local emergency room department;

(iii) A court hearing; or

(iv) A secure detoxification facility or crisis response center.

(b) To one of the following locations:

(i) A less restrictive alternative setting, except when ambulance transportation to a client's home is not covered;

(ii) A local emergency room department;

(iii) A court hearing; or

(iv) A secure detoxification facility or crisis response center.

(c) Provided by an ambulance transportation provider or law enforcement. The ambulance transportation provider must have an active core provider agreement (CPA) with the agency.

(d) To the nearest and most appropriate destination. The reason for a diversion to a more distant facility must be clearly documented in the client's file.

(4) The DCR authorizes the treatment destination based on the client's legal status.

(5) A copy of the agency's authorization of ambulance/secure transportation services under the Involuntary Treatment Act (ITA) form (HCA 42-003) must be completed and signed by the DCR and kept in the client's file.

(6) The SUD program, administered by DSHS, establishes payment for SUD-related transportation services when the transportation provider complies with DSHS requirements for drivers, driver training, vehicle and equipment standards and maintenance. Providers must clearly identify ITA transportation on the claim when billing the agency.