



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: May 06, 2020

TIME: 10:47 AM

WSR 20-10-109

Agency: Health Care Authority

☐ Original Notice

☐ Supplemental Notice to WSR

☒ Continuance of WSR 20-09-032

☒ Preproposal Statement of Inquiry was filed as WSR 19-20-106 ; 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 182-550-8000 – Hospital safety net assessment (HSNA) program – Purpose
WAC 182-550-8100 - Assessment notices – Process and timelines

Hearing location(s):

Date:	Time:	Location: (be specific)	Comment:
June 23, 2020	10:00 AM	In response to the Governor's extended orders for <i>Stay Home</i> , <i>Stay Safe</i> , this public hearing will be held virtually. This will not be an in-person hearing and there is not a physical location available.	You must register for the public hearing at: https://attendee.gotowebinar.com/register/6057562907361355533 After registering, you will receive a confirmation email containing information about joining the webinar

Date of intended adoption: Not sooner than June 24, 2020 (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) June 23, 2020

Assistance for persons with disabilities:

Contact Amber Loughheed

Phone: (360) 725-1349

Fax: (360) 586-9727

TTY: Telecommunication Relay Services (TRS): 711

Email: amber.loughheed@hca.wa.gov

Other:

By (date) June 5, 2020

Purpose of the proposal and its anticipated effects, including any changes in existing rules:

In response to the Governor's extended orders for *Stay Home*, *Stay Safe* and to protect the public's health due to the COVID-19 pandemic, the agency is not able to hold the originally scheduled in-person public hearing on May 26, 2020, filed under WSR 20-09-032. The date of this public hearing is being moved to June 23, 2020, and the location of the public hearing is changed from an in-person hearing to a virtual public hearing.

The agency is establishing rules for the Hospital Safety Net Assessment Program. The proposed rules:

- Describe the payment due date and the notifications sent out by the agency.
- Describe how and when the agency offsets amounts from scheduled payments to a hospital when that hospital has not timely paid its assessment.
- Establish a process to appeal the agency's action to offset amounts from scheduled payments.

Reasons supporting proposal: This rulemaking is authorized by RCW 74.60.050.

Statutory authority for adoption: RCW 41.05.021, 41.05.160, RCW 74.60.050

Statute being implemented: RCW 41.05.021, 41.05.160, Chapter 74.60 RCW

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:	Melinda Froud	PO Box 42716, Olympia WA 98504-2716	360-725-1408
Implementation:	Clinton Fridley	PO Box 45510, Olympia WA 98504-5510	360-725-1577
Enforcement:	Clinton Fridley	PO Box 45510, Olympia WA 98504-5510	360-725-1577

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.

☐ 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: May 6, 2020

Name: Wendy Barcus

Title: HCA Rules Coordinator

Signature:



NEW SECTION

WAC 182-550-8000 Hospital safety net assessment (HSNA) program—

Purpose. Chapter 74.60 RCW establishes the hospital safety net assessment (HSNA) program. The HSNA program imposes an assessment on certain Washington state hospitals that is used solely to increase funding from all other sources and support additional payments to hospitals for authorized medicaid services. The medicaid agency has authority to issue rules associated with the HSNA program under RCW 41.05.021 (1) (m) (iv) and 74.60.050(1).

NEW SECTION

WAC 182-550-8100 Assessment notices—Process and timelines. (1)

Notification. The medicaid agency sends hospital safety net assessment (HSNA) notices on or about thirty calendar days prior to the end of each quarter as required by RCW 74.60.030 (1) (a).

(2) **Payment due date.** Each hospital must pay its assessment in full by the due date listed in the HSNA notice.

(3) **First past-due notification.** If a hospital does not pay its HSNA assessment in full by the due date, the agency sends the hospital a past-due notice. The past-due notice informs the hospital of the actions the agency may take if the hospital's assessment becomes ninety calendar days past due.

(4) **Final past-due notification.** If a hospital does not pay its assessment in full within ninety calendar days of its due date stated in the HSNA notice, the agency sends the hospital a final past-due notice.

(a) The final past-due notice informs the hospital of the actions the agency takes, as required by RCW 74.60.050(2), to offset funds from the agency's scheduled payments to the hospital.

(b) The agency does not offset funds from managed care capitation payments, as described in RCW 74.60.130.

(5) **Appeal.** A hospital may appeal the actions the agency takes to offset funds by following the process outlined in WAC 182-502-0050.