PROPOSED RULE MAKING

CR-102 (December 2017)  
(Implements RCW 34.05.320)  
Do NOT use for expedited rule making

Agency: Health Care Authority

☐ Original Notice  
☐ Supplemental Notice to WSR _____  
☐ Continuance of WSR _____

☒ Preproposal Statement of Inquiry was filed as WSR 21-11-003; 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 182-130-0100 Family initiated treatment (FIT) – Appropriately trained professional person

Hearing location(s):

<table>
<thead>
<tr>
<th>Date</th>
<th>Time</th>
<th>Location</th>
<th>Comment:</th>
</tr>
</thead>
</table>
| August 24, 2021 | 10:00 AM | The Health Care Authority (HCA) remains closed in response to the coronavirus disease 2019 (COVID-19) public health emergency. Until further notice, HCA continues to hold public hearings virtually without a physical meeting place. This promotes social distancing and the safety of the residents of Washington State. | To attend the virtual public hearing, you must register in advance for this public hearing:  
[https://zoom.us/webinar/register/WN_BNCWCw0FQSOhcaAMJzTrTw](https://zoom.us/webinar/register/WN_BNCWCw0FQSOhcaAMJzTrTw)  
After registering, you will receive a confirmation email containing information about joining the public hearing. |

Date of intended adoption: Not sooner than August 25, 2021  
(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) August 24, 2021

Assistance for persons with disabilities:
Contact Amber Lougheed
Phone: (360) 725-1349
Fax: (360) 586-9727
TTY: Telecommunication Relay Services (TRS): 711
Email: amber.lougheed@hca.wa.gov
Other: By (date) August 6, 2021
Purpose of the proposal and its anticipated effects, including any changes in existing rules: As required in RCW 71.34.670 for family-initiated treatment, the authority intends to adopt rules to define “appropriately trained professional person” operating within their scope of practice within Title 18 RCW for the purposes of conducting mental health and substance use disorder evaluations under RCW 71.34.600(3) and 71.34.650(1).

Reasons supporting proposal: See purpose.

Statutory authority for adoption: RCW 71.34.670, 41.05.021, 41.05.160

Statute being implemented: RCW 71.34.670, 41.05.021, 41.05.160

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:

<table>
<thead>
<tr>
<th>Name</th>
<th>Office Location</th>
<th>Phone</th>
</tr>
</thead>
<tbody>
<tr>
<td>Drafting:</td>
<td>Valerie Freudenstein</td>
<td>PO Box 42716, Olympia WA 98504-2716 360-725-1344</td>
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<tr>
<td>Implementation:</td>
<td>Enos Mbajah</td>
<td>PO Box 45056, Olympia, WA 98504-5056 360-725-1879</td>
</tr>
<tr>
<td>Enforcement:</td>
<td>Enos Mbajah</td>
<td>PO Box 45056, Olympia, WA 98504-5056 360-725-1879</td>
</tr>
</tbody>
</table>

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:
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.

☐ 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: July 8, 2021

Name: Wendy Barcus
Title: HCA Rules Coordinator

Signature:
NEW SECTION

WAC 182-130-0100  Family initiated treatment (FIT)—Appropriately trained professional person.  (1) An appropriately trained professional person means a psychiatrist, psychologist, psychiatric nurse, social worker, licensed marriage and family therapist, licensed mental health counselor, and other mental health professionals as defined by the department of health under chapter 71.05 RCW.

(2) An appropriately trained professional person can also be a substance use disorder professional, or those who hold co-occurring substance use disorder and mental health credentials as defined by the department of health under chapter 18.205 RCW.

(3) The professional person evaluating for mental health must hold mental health or co-occurring credentials.

(4) The professional person evaluating for substance use disorder must hold substance use disorder or co-occurring credentials.