**Agency:** Health Care Authority

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

- ☒ Preproposal Statement of Inquiry was filed as WSR 21-20-124; 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 182-531-1400, Psychiatric physician-related services and other professional mental health services

**Hearing location(s):**

<table>
<thead>
<tr>
<th>Date</th>
<th>Time</th>
<th>Location (be specific)</th>
<th>Comment</th>
</tr>
</thead>
<tbody>
<tr>
<td>April 26, 2022</td>
<td>10:00 AM</td>
<td>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.</td>
<td>To attend the virtual public hearing, you must register in advance: <a href="https://zoom.us/webinar/register/WN_zsdIV_bnTFeOWg0-c1_Xmw">https://zoom.us/webinar/register/WN_zsdIV_bnTFeOWg0-c1_Xmw</a> If the link above opens with an error message, please try using a different browser. After registering, you will receive a confirmation email containing information about joining the public hearing.</td>
</tr>
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</table>

**Date of intended adoption:** Not sooner than April 27, 2022 (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) April 26, 2022

**Assistance for persons with disabilities:**

Contact HCA Rules Coordinator
Phone: (360) 725-1306
Fax: (360) 586-9727
TTY: Telecommunication Relay Services (TRS): 711
Email: wendy.barcus@hca.wa.gov
Other:

By (date) April 15, 2022
Purpose of the proposal and its anticipated effects, including any changes in existing rules: HCA is amending WAC 182-531-1400 to implement changes directed by the legislature in 2SHB 1325, Sec (2)(11), chapter 126, Laws of 2021. For mental health diagnostic assessment of children birth through age five, HCA is directed to reimburse providers for up to five sessions per assessment and for travel costs when a session is conducted in a home or community setting.

Reasons supporting proposal: See Purpose.

Statutory authority for adoption: RCW 41.05.021, 41.05.160, 2SHB 1325, Sec (2)(11), chapter 126, Laws of 2021

Statute being implemented: RCW 41.05.021, 41.05.160, 2SHB 1325, Sec (2)(11), chapter 126, Laws of 2021

<table>
<thead>
<tr>
<th>Is rule necessary because of a:</th>
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<tbody>
<tr>
<td>Federal Law?</td>
</tr>
<tr>
<td>Federal Court Decision?</td>
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<tr>
<td>State Court Decision?</td>
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</tbody>
</table>

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

Name of agency personnel responsible for:

<table>
<thead>
<tr>
<th>Name</th>
<th>Office Location</th>
<th>Phone</th>
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<tbody>
<tr>
<td>Drafting:</td>
<td>Jason Crabbe</td>
<td>PO Box 42716, Olympia WA 98504-2716</td>
</tr>
<tr>
<td>Implementation:</td>
<td>Christine Cole</td>
<td>PO Box 45506, Olympia WA 98504-5506</td>
</tr>
<tr>
<td>Enforcement:</td>
<td>Christine Cole</td>
<td>PO Box 45506, Olympia WA 98504-5506</td>
</tr>
</tbody>
</table>

Is a school district fiscal impact statement required under RCW 28A.305.135? ☒ 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

☐ Yes: A preliminary cost-benefit analysis may be obtained by contacting:

Name:  
Address:  
Phone:  
Fax:
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:

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**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:

<table>
<thead>
<tr>
<th>Name:</th>
<th>Wendy Barcus</th>
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<tbody>
<tr>
<td>Address:</td>
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**Date:** March 22, 2022

**Name:** Wendy Barcus

**Title:** HCA Rules Coordinator

**Signature:**

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WAC 182-531-1400 Psychiatric physician-related services and other professional mental health services. (1) The mental health services covered in this section are different from the mental health services covered under community mental health and involuntary treatment programs in chapter 182-538D WAC.

(2) Inpatient and outpatient mental health services not covered under chapter 182-538D WAC may be covered by the agency under this section.

Inpatient mental health services

(3) For hospital inpatient psychiatric admissions, providers must comply with chapter 182-538D WAC.

(4) The agency covers professional inpatient mental health services as follows:

(a) When provided by a psychiatrist, psychiatric advanced registered nurse practitioner (ARNP), psychiatric mental health nurse practitioner-board certified (PMHNP-BC), or psychologist in conjunction with the prescribing provider;

(b) The agency pays only for the total time spent on direct psychiatric client care during each visit, including services provided when making rounds. The agency considers services provided during rounds to be direct client care services and may include, but are not limited to:

(i) Individual psychotherapy up to one hour;

(ii) Family/group therapy; or

(iii) Electroconvulsive therapy.

(c) One electroconvulsive therapy or narcosynthesis per client, per day, and only when performed by a psychiatrist.

Outpatient mental health services

(5) The agency covers outpatient mental health services when provided by the following licensed health care professionals who are eligible providers under chapter 182-502 WAC:

(a) Psychiatrists;

(b) Psychologists;

(c) Psychiatric advanced registered nurse practitioners (ARNP);

(d) Psychiatric mental health nurse practitioners-board certified (PMHNP-BC);

(e) Mental health counselors;

(f) Independent clinical social workers;

(g) Advanced social workers; or

(h) Marriage and family therapists.

(6) With the exception of licensed psychiatrists and psychologists, qualified health care professionals who treat clients age (eighteen) 18 and younger must:

(a) Have a minimum of ((one hundred) 100 actual hours of specialized study of child development and treatment and a minimum of one year of supervised experience in the diagnosis and treatment of clients age (eighteen) 18 and younger; or

(b) Be working under supervision of a professional who meets these criteria.

(7) The agency does not limit the total number of outpatient mental health visits a licensed health care professional can provide.
(8) The agency evaluates a request for covered outpatient mental health services in excess of the limitations in this section under WAC 182-501-0169.

(9) The agency covers outpatient mental health services with the following limitations:

(a) Diagnostic evaluations. One psychiatric diagnostic evaluation, per provider, per client, per calendar year, unless significant change in the client's circumstances renders an additional evaluation medically necessary and is authorized by the agency. For clients 20 years of age and younger, additional evaluations may be covered if medically necessary and authorized by the agency, per WAC 182-501-0165. For clients five years of age and younger, the agency allows the following:

(i) Up to five sessions to complete a psychiatric diagnostic evaluation. Additional evaluations may be covered if medically necessary and authorized by the agency, per WAC 182-501-0165; and

(ii) Evaluations in the home or community setting, including reimbursement for provider travel.

(b) Psychotherapy. One or more individual or family/group psychotherapy visits, with or without the client, per day, per client, when medically necessary.

(c) Medication management. One psychiatric medication management service, per client, per day, in an outpatient setting when performed by one of the following:

(i) Psychiatrist;

(ii) Psychiatric advanced registered nurse practitioner (ARNP); or

(iii) Psychiatric mental health nurse practitioner-board certified (PMHNP-BC).

(10) To receive payment for providing mental health services, providers must bill the agency using the agency's published billing instructions.