



PROPOSED RULE MAKING

CR-102 (June 2024)
(Implements RCW 34.05.320)
Do **NOT** use for expedited rule making

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STATE OF WASHINGTON
FILED

DATE: January 17, 2025

TIME: 2:01 PM

WSR 25-03-102

Agency: Health Care Authority

☒ **Original Notice**

☐ **Supplemental Notice to WSR** _____

☐ **Continuance of WSR** _____

☒ **Preproposal Statement of Inquiry was filed as WSR 24-15-085 ; 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 182-502-0002, Eligible provider types

Hearing location(s):

Date:	Time:	Location: (be specific)	Comment:
February 25, 2025	10:00 AM	The Health Care Authority holds public hearings virtually without a physical meeting place	To attend the virtual public hearing, you must register in advance: https://us02web.zoom.us/webinar/register/WN_ByO8L-A2RPSmmE8wF2TecQ (hyperlink "you must register in advance") 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

Date of intended adoption: Not sooner than February 26, 2025 (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

Beginning (date and time) January 18, 2025, 8:00 AM

By (date and time) February 25, 2025, by 11:59 PM

Assistance for persons with disabilities:

Contact Johanna Larson

Phone 360-725-1349

Fax 360-586-9727

TTY Telecommunication Relay Service (TRS): 711

Email Johanna.Larson@hca.wa.gov

Other

By (date) February 7, 2025

Purpose of the proposal and its anticipated effects, including any changes in existing rules: HCA is amending WAC 182-502-0002 to add community health workers (CHWs) to the list of eligible provider types. This aligns with the rulemaking filed under WSR 25-02-113, establishing a community health worker benefit, under new chapter 182-562 WAC..

Reasons supporting proposal: See Purpose.

Statutory authority for adoption: RCW 41.05.021, 41.05.160

Statute being implemented: RCW 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

Type of proponent: ☐ Private. ☐ Public. ☒ Governmental.

Name of agency personnel responsible for:

	Name	Office Location	Phone
Drafting	Jason Crabbe	PO Box 42716, Olympia, WA 98504-2716	360-752-9563
Implementation	Nikki Banks	PO Box 45506, Olympia, WA 98504-5506	360-725-1002
Enforcement	Nikki Banks	PO Box 45506, Olympia, WA 98504-5506	360-725-1002

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 and Small Business Economic Impact Statement

Note: The [Governor's Office for Regulatory Innovation and Assistance \(ORIA\)](#) provides support in completing this part.

(1) Identification of exemptions:


This rule proposal, or portions of the proposal, **may be exempt** from requirements of the Regulatory Fairness Act (see [chapter 19.85 RCW](#)). For additional information on exemptions, consult the [exemption guide published by ORIA](#). 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.

<input type="checkbox"/> This rule proposal, or portions of the proposal, is exempt under RCW 19.85.025(3) . Check all that apply:	
<input type="checkbox"/> RCW 34.05.310 (4)(b) (Internal government operations)	<input type="checkbox"/> RCW 34.05.310 (4)(e) (Dictated by statute)
<input type="checkbox"/> RCW 34.05.310 (4)(c) (Incorporation by reference)	<input type="checkbox"/> RCW 34.05.310 (4)(f) (Set or adjust fees)
<input type="checkbox"/> RCW 34.05.310 (4)(d) (Correct or clarify language)	<input type="checkbox"/> 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)
<input checked="" type="checkbox"/> This rule proposal, or portions of the proposal, is exempt under RCW 19.85.025(4) . (Does not affect small businesses).	
<input type="checkbox"/> This rule proposal, or portions of the proposal, is exempt under RCW _____.	
Explanation of how the above exemption(s) applies to the proposed rule: <u>The proposed rule adds "community health workers" as an eligible provider type listed in WAC 182-502-0002. The proposed rule imposes no compliance costs on these or any other provider and thus does not affect small businesses for the purposes of the Regulatory Fairness Act.</u>	
(2) Scope of exemptions: Check one.	
<input checked="" type="checkbox"/> The rule proposal: Is fully exempt. (<i>Skip section 3.</i>) Exemptions identified above apply to all portions of the rule proposal.	
<input type="checkbox"/> The rule proposal: Is partially exempt. (<i>Complete section 3.</i>) The exemptions identified above apply to portions of the rule proposal, but less than the entire rule proposal. Provide details here (consider using this template from ORIA):	
<input type="checkbox"/> The rule proposal: Is not exempt. (<i>Complete section 3.</i>) No exemptions were identified above.	
(3) Small business economic impact statement: Complete this section if any portion is not exempt.	
If any portion of the proposed rule is not exempt , does it impose more-than-minor costs (as defined by RCW 19.85.020(2)) on businesses?	
<input type="checkbox"/> No Briefly summarize the agency's minor cost analysis and how the agency determined the proposed rule did not impose more-than-minor costs.	
<input type="checkbox"/> Yes Calculations show the rule proposal likely imposes more-than-minor cost to businesses and a small business economic impact statement is required. Insert the required small business economic impact 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: January 17, 2025	Signature: 
Name: Wendy Barcus	
Title: HCA Rules Coordinator	

WAC 182-502-0002 Eligible provider types. The following health care professionals, health care entities, suppliers or contractors of service may request enrollment with the Washington state health care authority (medicaid agency) to provide covered health care services to eligible clients. For the purposes of this chapter, health care services include treatment, equipment, related supplies, and drugs.

(1) Professionals:

(a) Advanced registered nurse practitioners;

(b) Advanced social workers;

(c) Advanced social worker associates;

(d) Anesthesiologists;

(e) Applied behavior analysis (ABA) professionals, as provided in WAC 182-531A-0800:

(i) Licensed behavior analyst;

(ii) Licensed assistant behavior analyst; and

(iii) Certified behavior technician;

(f) Audiologists;

(g) Behavioral health support specialists (BHSS);

(h) Birth doulas;

(i) Chiropractors;

(j) Community health workers (CHWs);

(k) Dentists;

~~((k))~~ (l) Dental health aide therapists, as provided in chapter 70.350 RCW;

~~((l))~~ (m) Dental hygienists;

~~((m))~~ (n) Denturists;

~~((n))~~ (o) Dietitians or nutritionists;

~~((o))~~ (p) Hearing aid fitters/dispensers;

~~((p))~~ (q) Home health aide credentialed with DOH as nursing assistant certified or nursing assistant registered;

~~((q))~~ (r) Independent clinical social workers;

~~((r))~~ (s) Independent clinical social worker associates;

~~((s))~~ (t) Licensed practical nurse;

~~((t))~~ (u) Marriage and family therapists;

~~((u))~~ (v) Mental health counselors;

~~((v))~~ (w) Mental health counselor associates;

~~((w))~~ (x) Mental health care providers;

~~((x))~~ (y) Midwives;

~~((y))~~ (z) Naturopathic physicians;

~~((z))~~ (aa) Nurse anesthetist;

~~((aa))~~ (bb) Ocularists;

~~((bb))~~ (cc) Occupational therapists;

~~((cc))~~ (dd) Ophthalmologists;

~~((dd))~~ (ee) Opticians;

~~((ee))~~ (ff) Optometrists;

~~((ff))~~ (gg) Orthodontists;

~~((gg))~~ (hh) Orthotist;

~~((hh))~~ (ii) Osteopathic physicians;

~~((ii))~~ (jj) Osteopathic physician assistants;

~~((jj))~~ (kk) Peer counselors;

~~((kk))~~ (ll) Podiatric physicians;

~~((ll))~~ (mm) Pharmacists;

~~((mm))~~ (nn) Physicians;

((~~nn~~)) (oo) Physician assistants;
 ((~~oo~~)) (pp) Physical therapists;
 ((~~pp~~)) (qq) Prosthetist;
 ((~~qq~~)) (rr) Psychiatrists;
 ((~~rr~~)) (ss) Psychologists;
 ((~~ss~~)) (tt) Radiologists;
 ((~~tt~~)) (uu) Registered nurse;
 ((~~uu~~)) (vv) Registered nurse delegators;
 ((~~vv~~)) (ww) Registered nurse first assistants;
 ((~~ww~~)) (xx) Respiratory therapists;
 ((~~xx~~)) (yy) Speech/language pathologists; and
 ((~~yy~~)) (zz) Substance use disorder professionals:
 (i) Mental health providers; and
 (ii) Peer counselors.
 (2) Agencies, centers and facilities:
 (a) Adult day health centers;
 (b) Ambulance services (ground and air);
 (c) Ambulatory surgery centers (medicare-certified);
 (d) Birthing centers (licensed by the department of health);
 (e) Cardiac diagnostic centers;
 (f) Case management agencies;
 (g) Substance use disorder treatment facilities certified by the
 department of health (DOH);
 (h) Withdrawal management treatment facilities certified by DOH;
 (i) Community AIDS services alternative agencies;
 (j) Community behavioral health support services provider facili-
 ties;
 (k) Community mental health centers;
 (l) Diagnostic centers;
 (m) Early and periodic screening, diagnosis, and treatment
 (EPSDT) clinics;
 (n) Family planning clinics;
 (o) Federally qualified health centers (designated by the federal
 department of health and human services);
 (p) Genetic counseling agencies;
 (q) Health departments;
 (r) Health maintenance organization (HMO)/managed care organiza-
 tion (MCO);
 (s) HIV/AIDS case management;
 (t) Home health agencies;
 (u) Hospice agencies;
 (v) Hospitals;
 (w) Indian health service facilities/tribal 638 facilities;
 (x) Tribal or urban Indian clinics;
 (y) Inpatient psychiatric facilities;
 (z) Intermediate care facilities for individuals with intellectu-
 al disabilities (ICF-IID);
 (aa) Kidney centers;
 (bb) Laboratories (CLIA certified);
 (cc) Maternity support services agencies; maternity case manag-
 ers; infant case management, first steps providers;
 (dd) Neuromuscular and neurodevelopmental centers;
 (ee) Nurse services/delegation;
 (ff) Nursing facilities (approved by the DSHS aging and long-term
 support administration);
 (gg) Pathology laboratories;
 (hh) Pharmacies;

- (ii) Private duty nursing agencies;
- (jj) Radiology - Stand-alone clinics;
- (kk) Rural health clinics (medicare-certified);
- (ll) School districts and educational service districts; and
- (mm) Sleep study centers.
- (3) Suppliers of:
 - (a) Blood, blood products, and related services;
 - (b) Durable and nondurable medical equipment and supplies;
 - (c) Complex rehabilitation technologies;
 - (d) Infusion therapy equipment and supplies;
 - (e) Prosthetics/orthotics;
 - (f) Hearing aids; and
 - (g) Respiratory care, equipment, and supplies.
- (4) Contractors:
 - (a) Transportation brokers;
 - (b) Spoken language interpreter services agencies;
 - (c) Independent sign language interpreters; and
 - (d) Eyeglass and contact lens providers.