



RULE-MAKING ORDER PERMANENT RULE ONLY

CR-103P (December 2017) (Implements RCW 34.05.360)

CODE REVISER USE ONLY

OFFICE OF THE CODE REVISER
STATE OF WASHINGTON
FILED

DATE: October 08, 2018

TIME: 10:06 AM

WSR 18-21-042

Agency: Health Care Authority

Effective date of rule:

Permanent Rules

31 days after filing.

Other (specify) _____ (If less than 31 days after filing, a specific finding under RCW 34.05.380(3) is required and should be stated below)

Any other findings required by other provisions of law as precondition to adoption or effectiveness of rule?

Yes No If Yes, explain:

Purpose: This new section allows for ambulance transportation for involuntary substance use disorder treatment.

Citation of rules affected by this order:

New: 182-546-4600

Repealed:

Amended:

Suspended:

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

Other authority:

PERMANENT RULE (Including Expedited Rule Making)

Adopted under notice filed as WSR 18-13-022 on June 8, 2018 (date).

Describe any changes other than editing from proposed to adopted version:

Proposed/Adopted	WAC Subsection	Reason
Original WAC# 182-546-4600(1)(c)		
Proposed	"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.	RCW 70.96A.140 was repealed.
Adopted	"Designated crisis responder (DCR)" means a mental health professional appointed by the behavioral health organization (BHO) to perform the duties described in chapter 71.05 RCW.	
Original WAC# 182-546-4600(1)(h)(iii)		
Proposed	... is certified as a secure withdrawal management and stabilization facility by the department of social and health services and the department of health (DOH).	The Department of Social and Health Services no longer certifies facilities. The Department of Health is responsible for certification.
Adopted	... is certified as a secure withdrawal management and stabilization facility by the department of social and health services and the department of health (DOH).	

Original WAC# 182-546-4600(5)		
Proposed	Involuntary Treatment Act (ITA) (HCA 42-003)	Typographical error in the form number.
Adopted	Involuntary Treatment Act (ITA) (HCA 42-00 <u>0</u> 3)	
Original WAC# 182-546-4600(6)		
Proposed	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.	The agency is now responsible for establishing payment for SUD-related transportation services.
Adopted	The SUD program, administered by DSHS, agency establishes payment for SUD-related transportation services when the transportation provider complies with the agency's requirements for drivers, driver training, vehicle and equipment standards and maintenance. Providers must clearly identify ITA transportation on the claim when billing the agency.	

If a preliminary cost-benefit analysis was prepared under RCW 34.05.328, a final cost-benefit analysis is available by contacting:

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

Note: If any category is left blank, it will be calculated as zero. No descriptive text.

Count by whole WAC sections only, from the WAC number through the history note. A section may be counted in more than one category.

The number of sections adopted in order to comply with:

Federal statute:	New	___	Amended	___	Repealed	___
Federal rules or standards:	New	___	Amended	___	Repealed	___
Recently enacted state statutes:	New	___	Amended	___	Repealed	___

The number of sections adopted at the request of a nongovernmental entity:

New	___	Amended	___	Repealed	___
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The number of sections adopted on the agency's own initiative:

New	___	Amended	___	Repealed	___
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The number of sections adopted in order to clarify, streamline, or reform agency procedures:

New	<u>1</u>	Amended	___	Repealed	___
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The number of sections adopted using:

Negotiated rule making:	New	___	Amended	___	Repealed	___
Pilot rule making:	New	___	Amended	___	Repealed	___
Other alternative rule making:	New	<u>1</u>	Amended		Repealed	___

Date Adopted: October 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 chapter 71.05 RCW.

(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 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 42-0003) must be completed and signed by the DCR and kept in the client's file.

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