



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 31, 2018

TIME: 1:38 PM

WSR 18-22-060

Agency: Health Care Authority

Effective date of rule:

Permanent Rules

- 31 days after filing.
 Other (specify) January 1, 2019 (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:

The agency removed the outdated language in WAC 182-550-6300. The agency has created a new chapter 182-555 WAC to establish updated definitions, eligibility requirements, provider requirements, covered services, and documentation requirements for Medical Nutrition Therapy provided by a registered dietitian (RD) for clients age twenty and younger.

Citation of rules affected by this order:

New: 182-555-0100, 182-555-0200, 182-555-0300, 182-555-0400, 182-555-0500, 182-555-0600
Repealed:
Amended: 182-550-6300
Suspended:

Statutory authority for adoption: RCW 41.05.021, 41.05.160

Other authority:

PERMANENT RULE (Including Expedited Rule Making)

Adopted under notice filed as WSR 18-18-021 on August 24, 2018 (date).
Describe any changes other than editing from proposed to adopted version: N/A

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| Federal statute: | New | ___ | Amended | ___ | Repealed | ___ |
| Federal rules or standards: | New | ___ | Amended | ___ | Repealed | ___ |
| Recently enacted state statutes: | New | ___ | Amended | ___ | Repealed | ___ |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| New | ___ | Amended | ___ | Repealed | ___ |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

The number of sections adopted on the agency's own initiative:

| | | | | | |
|-----|----------|---------|----------|----------|-----|
| New | <u>6</u> | Amended | <u>1</u> | Repealed | ___ |
|-----|----------|---------|----------|----------|-----|

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

| | | | | | |
|-----|-----|---------|-----|----------|-----|
| New | ___ | Amended | ___ | Repealed | ___ |
|-----|-----|---------|-----|----------|-----|

The number of sections adopted using:

| | | | | | | |
|--------------------------------|-----|----------|---------|----------|----------|-----|
| Negotiated rule making: | New | ___ | Amended | ___ | Repealed | ___ |
| Pilot rule making: | New | ___ | Amended | ___ | Repealed | ___ |
| Other alternative rule making: | New | <u>6</u> | Amended | <u>1</u> | Repealed | ___ |

| | |
|---------------------------------------|---|
| Date Adopted: October 31, 2018 | Signature:  |
| Name: Wendy Barcus | |
| Title: HCA Rules Coordinator | |

WAC 182-550-6300 Outpatient nutritional counseling. ((1) The medicaid agency will cover nutritional counseling services only for eligible medicaid clients age twenty and under referred during an early and periodic screening, diagnosis and treatment screening to a certified dietitian.

(2) Except for children under the children's medical program, the agency will not cover nutritional counseling for clients under the medically indigent and other state-only funded programs.

(3) The agency will pay for nutritional counseling for the following conditions:

(a) Inadequate or excessive growth, such as failure to thrive, undesired weight loss, underweight, major change in weight to height percentile, and obesity;

(b) Inadequate dietary intake, such as formula intolerance, food allergy, limited variety of foods, limited food resources, and poor appetite;

(c) Infant feeding problems, such as poor suck/swallow reflex, breast feeding difficulties, lack of developmental feeding progress, inappropriate kinds or amounts of feeding offered, and limited caregiver knowledge or skills;

(d) Chronic disease requiring nutritional intervention, such as congenital heart disease, pulmonary disease, renal disease, cystic fibrosis, metabolic disorder, and gastrointestinal disease;

(e) Medical conditions requiring nutritional intervention, such as iron deficiency anemia, familial hyperlipidemia, and pregnancy;

(f) Developmental disability, such as increasing the risk of altered energy and nutrient needs, oral motor or behavioral feeding difficulties, medication nutrient interaction, and tube feedings; or

(g) Psycho-social factors, such as behavior suggesting eating disorders.

(4) The agency will pay for maximum of twenty sessions, in any combination, of assessment/evaluation and/or nutritional counseling in a calendar year.

(5) The agency will require each assessment/evaluation or nutritional counseling session be for a period of twenty five to thirty minutes of direct interaction with a client and/or the client's caregiver.

(6) The agency will pay the provider for a maximum of two sessions per day per client.)) See chapter 182-555 WAC for medical nutrition therapy.

**Chapter 182-555 WAC
MEDICAL NUTRITION THERAPY**

NEW SECTION

WAC 182-555-0100 General. The medical nutrition therapy program ensures that clients have access to medically necessary outpatient medical nutrition therapy and associated follow-ups.

NEW SECTION

WAC 182-555-0200 Definitions. The following definitions and those found in chapter 182-500 WAC apply to this chapter:

"Enteral nutrition" - See WAC 182-554-200.

"Medical nutrition therapy" - Means an interaction between the registered dietitian (RD) and the client or client's guardian for the purpose of evaluating and making recommendations regarding the client's nutritional status.

"Nutrition assessment" - Means the collection and documentation of information such as food or nutrition-related history; biochemical data, medical tests and procedures; anthropometric measurements, nutrition-focused physical findings and client history.

"Nutrition care process" - Means a systematic approach to providing high-quality nutrition care. Provides a framework for the registered dietitian to individualize care, taking into account the client's needs and values and evidence available to make decisions.

"Nutrition-related diagnosis" - Means a diagnosis within the scope of practice for an RD to diagnose and treat as defined by the Academy of Nutrition and Dietetics.

"Registered dietitian" - Means a dietitian who is registered with the Academy of Nutrition and Dietetics and who is certified by the Washington state department of health (DOH).

NEW SECTION

WAC 182-555-0300 Eligibility. The medicaid agency covers medical nutrition therapy for clients who are:

- (1) Age twenty and younger; and
- (2) Referred to a registered dietitian for medical nutrition therapy by a physician, physician assistant (PA), or an advanced registered nurse practitioner (ARNP).

NEW SECTION

WAC 182-555-0400 Provider requirements. Medical nutrition therapy services must be delivered by a registered dietitian (RD) who:

- (1) Has a current core provider agreement with the medicaid agency; and
- (2) Has a national provider identifier (NPI).

NEW SECTION

WAC 182-555-0500 Covered services. (1) The medicaid agency covers medically necessary medical nutrition therapy when related to a nutrition-related diagnosis for eligible clients, as described under WAC 182-555-0300.

- (2) The agency covers medical nutrition therapy, nutrition assessment, and counseling for conditions that are within the scope of practice for a registered dietitian (RD) to evaluate and treat.

NEW SECTION

WAC 182-555-0600 Documentation requirements. In addition to the health care record requirements found in WAC 182-502-0020, the medical nutrition therapy provider must maintain the following documentation in the client's file:

- (1) Referral from the provider, as described under WAC 182-555-0300;
- (2) The medical nutrition therapy provider assessment following the nutrition care process:
 - (a) Nutrition assessment;
 - (b) Nutrition diagnosis, including the problem, etiology, signs, and symptoms (PES) statement;
 - (c) Nutrition intervention;
 - (d) Nutrition monitoring and evaluation.
- (3) Any correspondence with the referring provider;
- (4) Information on associated medical conditions; and
- (5) Information concerning the medical need.