**Agency:** Health Care Authority

**Title of rule and other identifying information:** (describe subject)

WAC 182-500-0015 Medical assistance definitions—B
WAC 182-500-0050 Washington apple health definitions--I.

**Purpose of the proposal and its anticipated effects, including any changes in existing rules:** HCA is amending these sections to correct outdated behavioral health terminology, to update references to correct state agencies and other minor housekeeping changes.

**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:**

<table>
<thead>
<tr>
<th></th>
<th>Yes</th>
<th>☒ No</th>
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<tbody>
<tr>
<td>Federal Law?</td>
<td></td>
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<tr>
<td>Federal Court Decision?</td>
<td>☐</td>
<td>☒ No</td>
</tr>
<tr>
<td>State Court Decision?</td>
<td>☐</td>
<td>☒ No</td>
</tr>
</tbody>
</table>

If yes, CITATION:

**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>
</tr>
</thead>
<tbody>
<tr>
<td>Drafting: Michael Williams</td>
<td>PO Box 42716 Olympia WA, 98504-2716</td>
<td>360-725-1346</td>
</tr>
<tr>
<td>Implementation: Greg Sandoz</td>
<td>PO Box 42716 Olympia WA, 98504-2716</td>
<td>360-725-1624</td>
</tr>
<tr>
<td>Enforcement: Greg Sandoz</td>
<td>PO Box 42716 Olympia WA, 98504-2716</td>
<td>360-725-1624</td>
</tr>
</tbody>
</table>

**Agency comments or recommendations, if any, as to statutory language, implementation, enforcement, and fiscal matters:** N/A
**Expedited Adoption - Which of the following criteria was used by the agency to file this notice:**

☐ Relates only to internal governmental operations that are not subject to violation by a person;

☐ Adopts or incorporates by reference without material change federal statutes or regulations, Washington state statutes, rules of other Washington state agencies, shoreline master programs other than those programs governing shorelines of statewide significance, or, as referenced by Washington state law, national consensus codes that generally establish industry standards, if the material adopted or incorporated regulates the same subject matter and conduct as the adopting or incorporating rule;

☒ Corrects typographical errors, make address or name changes, or clarify language of a rule without changing its effect;

☐ Content is explicitly and specifically dictated by statute;

☐ Have been the subject of negotiated rule making, pilot rule making, or some other process that involved substantial participation by interested parties before the development of the proposed rule; or

☐ Is being amended after a review under RCW 34.05.328.

**Expedited Repeal - Which of the following criteria was used by the agency to file notice:**

☐ The statute on which the rule is based has been repealed and has not been replaced by another statute providing statutory authority for the rule;

☐ The statute on which the rule is based has been declared unconstitutional by a court with jurisdiction, there is a final judgment, and no statute has been enacted to replace the unconstitutional statute;

☐ The rule is no longer necessary because of changed circumstances; or

☐ Other rules of the agency or of another agency govern the same activity as the rule, making the rule redundant.

**Explanation of the reason the agency believes the expedited rule-making process is appropriate pursuant to RCW 34.05.353(4):**

Corrects outdated terminology and references.

**NOTICE**

THIS RULE IS BEING PROPOSED UNDER AN EXPEDITED RULE-MAKING PROCESS THAT WILL ELIMINATE THE NEED FOR THE AGENCY TO HOLD PUBLIC HEARINGS, PREPARE A SMALL BUSINESS ECONOMIC IMPACT STATEMENT, OR PROVIDE RESPONSES TO THE CRITERIA FOR A SIGNIFICANT LEGISLATIVE RULE. IF YOU OBJECT TO THIS USE OF THE EXPEDITED RULE-MAKING PROCESS, YOU MUST EXPRESS YOUR OBJECTIONS IN WRITING AND THEY MUST BE SENT TO

Name: HCA Rules Coordinator  
Agency: Health Care Authority  
Address: PO Box 42716, Olympia WA 98504-2716  
Phone: 360-725-1306  
Fax: 360-586-9272  
Email: arc@hca.wa.gov  
Other:  

AND RECEIVED BY (date) September 21, 2021

**Date:** July 8, 2021  
**Name:** Wendy Barcus  
**Title:** HCA Rules Coordinator  
**Signature:**

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Page 2 of 2
WAC 182-500-0015 Medical assistance definitions—B. ("Behavioral health organization" means a single- or multiple-county authority or other entity operating as a prepaid health plan with which the Medicaid agency or the agency's designee contracts for the delivery of community outpatient and inpatient mental health and substance use disorders services in a defined geographic area.))

"Benefit package" means the set of health care service categories included in a client's health care program. See WAC 182-501-0060.

"Benefit period" means the time period used to determine whether Medicare can pay for covered Part A services. A benefit period begins the first day a beneficiary receives inpatient hospital or extended care services from a qualified provider. The benefit period ends when the beneficiary has not been an inpatient of a hospital or other facility primarily providing skilled nursing or rehabilitation services for sixty consecutive days. There is no limit to the number of benefit periods a beneficiary may receive. Benefit period also means a "spell of illness" for Medicare payments.

"Billing instructions" means provider guides. See WAC 182-500-0085.

"Blind" is a category of medical program eligibility that requires:
(a) A central visual acuity of 20/200 or less in the better eye with the use of a correcting lens; or
(b) A field of vision limitation so the widest diameter of the visual field subtends an angle no greater than twenty degrees from central.

"By report (BR)" means a method of payment in which the agency or the agency's designee determines the amount it will pay for a service when the rate for that service is not included in the agency's published fee schedules. The provider must submit a report which describes the nature, extent, time, effort and equipment necessary to deliver the service.

WAC 182-500-0050 Washington apple health definitions—I. "Ineligible spouse" see "spouse" in WAC 182-500-0100.

"Institution" means an entity that furnishes (in single or multiple facilities) food, shelter, and some treatment or services to four or more people unrelated to the proprietor. Eligibility for a Washington apple health program may vary depending upon the type of institution in which an individual resides. For the purposes of apple health programs, "institution" includes all the following:
(1) "Institution for mental diseases (IMD)" - A hospital, nursing facility, or other institution of more than sixteen beds that is primarily engaged in providing diagnosis, treatment or care of people with mental diseases, including medical attention, nursing care and related services. An IMD may include inpatient ((chemical dependency))
substance use disorder (SUD) facilities of more than sixteen beds which provide residential treatment for ((alcohol and substance abuse)) SUD.

(2) "Intermediate care facility for the mentally retarded (ICF/MR)" - An institution or distinct part of an institution that is:
(a) Defined in 42 C.F.R. 440.150;
(b) Certified to provide ICF/MR services under 42 C.F.R. 483, Subpart I; and
(c) Primarily for the diagnosis, treatment, or rehabilitation for people with mental retardation or a related condition.

(3) "Medical institution" - An entity that is organized to provide medical care, including nursing and convalescent care. The terms "medical facility" and "medical institution" are sometimes used interchangeably throughout Title 182 WAC.

(a) To meet the definition of medical institution, the entity must:
(i) Be licensed as a medical institution under state law;
(ii) Provide medical care, with the necessary professional personnel, equipment, and facilities to manage the health needs of the patient on a continuing basis under acceptable standards; and
(iii) Include adequate physician and nursing care.
(b) Medical institutions include:
(i) "Hospice care center" - An entity licensed by the department of health (DOH) to provide hospice services. Hospice care centers must be medicare-certified, and approved by the agency or the agency's designee to be considered a medical institution.
(ii) "Hospital" - Defined in WAC 182-500-0045.
(iii) "Nursing facility (NF)" - An entity certified to provide skilled nursing care and long-term care services to medicaid recipients under Social Security Act Sec. 1919(a), 42 U.S.C. Sec. 1396r. Nursing facilities that may become certified include nursing homes licensed under chapter 18.51 RCW, and nursing facility units within hospitals licensed by DOH under chapter 70.41 RCW. This includes the nursing facility section of a state veteran's facility.
(iv) "Psychiatric hospital" - An institution, or a psychiatric unit located in a hospital, licensed as a hospital under applicable Washington state laws and rules, that is primarily engaged to provide psychiatric services for the diagnosis and treatment of mentally ill people under the supervision of a physician.
(v) "Psychiatric residential treatment facility (PRTF)" - A non-hospital residential treatment center licensed by DOH, and certified by the agency or the agency's designee to provide psychiatric inpatient services to medicaid-eligible people age twenty-one and younger. A PRTF must be accredited by the Joint Commission on Accreditation of Health care Organizations (JCAHO) or any other accrediting organization with comparable standards recognized by Washington state. A PRTF must meet the requirements in 42 C.F.R. 483, Subpart G, regarding the use of restraint and seclusion.
(vi) "Residential habilitation center (RHC)" - A residence operated by the state under chapter 71A.20 RCW that serves people who have exceptional care and treatment needs due to their developmental disabilities by providing residential care designed to develop individual capacities to their optimum. RHCS provide residential care and may be certified to provide ICF/MR services and nursing facility services.
(c) Medical institutions do not include entities licensed by the agency or the agency's designee as adult family homes (AFHs) and boarding homes. AFHs and boarding homes include assisted living fa-
ilities, adult residential centers, enhanced adult residential centers, and developmental disability group homes.

(4) "Public institution" means an entity that is the responsibility of a governmental unit or over which a governmental unit exercises administrative control.

(a) Public institutions include:
   (i) Correctional facility - An entity such as a state prison, or city, county, or tribal jail, or juvenile rehabilitation or juvenile detention facility.
   (ii) Eastern and Western State mental hospitals. (Medicaid coverage for these institutions is limited to people age twenty-one and younger, and people age sixty-five and older.)
   (iii) Certain facilities administered by Washington state's department of veteran's affairs (see (b) of this subsection for facilities that are not considered public institutions).

(b) Public institutions do not include intermediate care facilities, entities that meet the definition of medical institution (such as Harborview Medical Center and University of Washington Medical Center), or facilities in Retsil, Orting, and Spokane that are administered by the department of veteran's affairs and licensed as nursing facilities.

"Institution for mental diseases (IMD)" see "institution" in this section.

"Institutional review board" - A board or committee responsible for reviewing research protocols and determining whether:
   (1) Risks to subjects are minimized;
   (2) Risks to subjects are reasonable in relation to anticipated benefits, if any, to subjects, and the importance of the knowledge that may reasonably be expected to result;
   (3) Selection of subjects is equitable;
   (4) Informed consent will be sought from each prospective subject or the subject's legally authorized representative;
   (5) Informed consent will be appropriately documented;
   (6) When appropriate, the research plan makes adequate provision for monitoring the data collected to ensure the safety of subjects;
   (7) When appropriate, there are adequate provisions to protect the privacy of subjects and to maintain the confidentiality of data; and
   (8) When some or all of the subjects are likely to be vulnerable to coercion or undue influence, such as children, prisoners, pregnant people, mentally disabled persons, or economically or educationally disadvantaged persons, additional safeguards have been included in the study to protect the rights and welfare of these subjects.

"Institutionalized spouse" see "spouse" in WAC 182-500-0100.

"Intermediate care facility for the mentally retarded (ICF/MR)" see "institution" in this section.