



# EXPEDITED RULE MAKING

## CR-105 (December 2017) (Implements RCW 34.05.353)

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STATE OF WASHINGTON  
FILED

DATE: May 17, 2022

TIME: 2:17 PM

WSR 22-11-079

**Agency:** Health Care Authority

**Title of rule and other identifying information:** (describe subject) WAC 182-502-0002 Eligible provider types

**Purpose of the proposal and its anticipated effects, including any changes in existing rules:** To fix erroneous cross-reference in subsection (1)(c) and align the titles of the applied behavior analysis (ABA) professionals in (1)(c)(i)-(iii) with those listed in WAC 182-531A-0800..

**Reasons supporting proposal:** These housekeeping fixes are required to align this section with the ABA rules in WAC 182-531A-0800.

**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?            | <input type="checkbox"/> Yes | <input checked="" type="checkbox"/> No |
| Federal Court Decision? | <input type="checkbox"/> Yes | <input checked="" type="checkbox"/> No |
| State Court Decision?   | <input type="checkbox"/> Yes | <input checked="" type="checkbox"/> No |

If yes, CITATION:

**Name of proponent:** (person or organization) Health Care Authority

- Private  
 Public  
 Governmental

**Name of agency personnel responsible for:**

	Name	Office Location	Phone
Drafting:	Valerie Freudenstein	PO Box 42716, Olympia, WA 98504-2716	360-725-1344
Implementation:	Melissa Kunder	PO Box 45502, Olympia, WA 98504-5502	360-725-5297
Enforcement:	Melissa Kunder	PO Box 45502, Olympia, WA 98504-5502	360-725-5297

**Agency comments or recommendations, if any, as to statutory language, implementation, enforcement, and fiscal matters:** None

**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):**

**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

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Other:

**AND RECEIVED BY** (date) July 19, 2022

**Date:** May 17, 2022

**Name:** Wendy Barcus

**Title:** HCA Rules Coordinator

**Signature:**



**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) Anesthesiologists;
  - (c) Applied behavior analysis (ABA) professionals, as provided in WAC ((~~182-531-1410 through 182-531-1436~~) 182-531A-0800):

- (i) ((~~Certified agency-affiliated counselors~~)) Licensed behavior analyst;

- (ii) ((~~Certified counselors~~)) Licensed assistant behavior analyst; and

- (iii) Certified ((~~counselor advisors~~)) behavior technician.

- (d) Audiologists;
- (e) Chemical dependency professionals:
  - (i) Mental health care providers; and
  - (ii) Peer counselors.
- (f) Chiropractors;
- (g) Dentists;
- (h) Dental health aide therapists, as provided in chapter 70.350

RCW;

- (i) Dental hygienists;
- (j) Denturists;
- (k) Dietitians or nutritionists;
- (l) Hearing aid fitters/dispensers;
- (m) Marriage and family therapists;
- (n) Mental health counselors;
- (o) Mental health care providers;
- (p) Midwives;
- (q) Naturopathic physicians;
- (r) Nurse anesthetist;
- (s) Occularists;
- (t) Occupational therapists;
- (u) Ophthalmologists;
- (v) Opticians;
- (w) Optometrists;
- (x) Orthodontists;
- (y) Orthotist;
- (z) Osteopathic physicians;
- (aa) Osteopathic physician assistants;
- (bb) Peer counselors;
- (cc) Podiatric physicians;
- (dd) Pharmacists;
- (ee) Physicians;
- (ff) Physician assistants;
- (gg) Physical therapists;
- (hh) Prosthetist;
- (ii) Psychiatrists;
- (jj) Psychologists;
- (kk) Radiologists;

- (ll) Registered nurse delegators;
- (mm) Registered nurse first assistants;
- (nn) Respiratory therapists;
- (oo) Social workers; and
- (pp) Speech/language pathologists.
- (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) Chemical dependency treatment facilities certified by the department of social and health services (DSHS) division of behavioral health and recovery (DBHR), and contracted through either:
    - (i) A county under chapter 388-810 WAC; or
    - (ii) DBHR to provide chemical dependency treatment services.
  - (h) Centers for the detoxification of acute alcohol or other drug intoxication conditions (certified by DBHR);
    - (i) Community AIDS services alternative agencies;
    - (j) Community mental health centers;
    - (k) Diagnostic centers;
    - (l) Early and periodic screening, diagnosis, and treatment (EPSDT) clinics;
    - (m) Family planning clinics;
    - (n) Federally qualified health centers (designated by the federal department of health and human services);
    - (o) Genetic counseling agencies;
    - (p) Health departments;
    - (q) Health maintenance organization (HMO)/managed care organization (MCO);
    - (r) HIV/AIDS case management;
    - (s) Home health agencies;
    - (t) Hospice agencies;
    - (u) Hospitals;
    - (v) Indian health service facilities/tribal 638 facilities;
    - (w) Tribal or urban Indian clinics;
    - (x) Inpatient psychiatric facilities;
    - (y) Intermediate care facilities for individuals with intellectual disabilities (ICF-IID);
    - (z) Kidney centers;
    - (aa) Laboratories (CLIA certified);
    - (bb) Maternity support services agencies; maternity case managers; infant case management, first steps providers;
    - (cc) Neuromuscular and neurodevelopmental centers;
    - (dd) Nurse services/delegation;
    - (ee) Nursing facilities (approved by the DSHS aging and long-term support administration);
    - (ff) Pathology laboratories;
    - (gg) Pharmacies;
    - (hh) Private duty nursing agencies;
    - (ii) Radiology - Stand-alone clinics;
    - (jj) Rural health clinics (medicare-certified);
    - (kk) School districts and educational service districts;
    - (ll) Sleep study centers; and
    - (mm) Washington state school districts and educational service districts.

- (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.