



PROPOSED RULE MAKING

CR-102 (December 2017) (Implements RCW 34.05.320)

Do NOT use for expedited rule making

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OFFICE OF THE CODE REVISER
STATE OF WASHINGTON
FILED

DATE: January 19, 2021

TIME: 1:29 PM

WSR 21-03-074

Agency: Health Care Authority

Original Notice

Supplemental Notice to WSR _____

Continuance of WSR _____

Preproposal Statement of Inquiry was filed as WSR 20-22-026 ; 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) New Chapter 182-110 WAC – Partnership access line and psychiatric consultation line

Hearing location(s):

Date:	Time:	Location: (be specific)	Comment:
February 23, 2021.	10:00 AM	In response to the coronavirus disease 2019 (COVID-19) public health emergency, the agency will not provide a physical location for this hearing. This promotes social distancing and the safety of the citizens of Washington State. A virtual public hearing, without a physical meeting space, will be held instead.	To attend the virtual public hearing, you must register at the following link: https://attendee.gotowebinar.com/register/3849005792212880141 Webinar ID: 687-366-971 After registering, you will receive a confirmation email containing the information about joining the webinar.

Date of intended adoption: Not sooner than February 24, 2021 (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:

By (date) February 23, 2021

Assistance for persons with disabilities:

Contact Amber Lougheed

Phone: (360) 725-1349

Fax: (360) 586-9727

TTY: Telecommunication Relay Services (TRS): 711

Email: amber.lougheed@hca.wa.gov

Other:

By (date) February 5, 2021

Purpose of the proposal and its anticipated effects, including any changes in existing rules:
 The proposed rules implement the requirements of Substitute House Bill (SHB) 2728 (66th Legislature, 2020 Regular Session), which requires the Health Care Authority (HCA) to:
 1) Calculate the annual costs to operate and administer the partnership lines described in SHB 2728;
 2) Calculate the proportion of clients covered by Medicaid program; and
 3) Collect a proportional share of program costs from entities that are not for covered lives under contract with HCA as Medicaid managed care organizations.

The proposed rules require assessed entities to register with HCA, submit the required data, and timely send payment to fund program costs.

Reasons supporting proposal: See Purpose above

Statutory authority for adoption: RCW 41.05.021, 41.05.160

Statute being implemented: RCW 41.05.021, 41.05.160, 71.24.061, 71.24.062,

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:

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

<input type="checkbox"/> Private
<input type="checkbox"/> Public
<input checked="" type="checkbox"/> Governmental

Name of agency personnel responsible for:

	Name	Office Location	Phone
Drafting:	Melinda Froud	PO Box 42716, Olympia WA 98504-2716	360-725-1408
Implementation:	Martha Cortes Leon	PO Box 45500, Olympia, WA 98504-5500	360-725-1650
Enforcement:	Martha Cortes Leon	PO Box 45500, Olympia, WA 98504-5500	360-725-1650

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 Cost Considerations for a Small Business Economic Impact Statement:

This rule proposal, or portions of the proposal, **may be exempt** from requirements of the Regulatory Fairness Act (see chapter 19.85 RCW). 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.

This rule proposal, or portions of the proposal, is exempt under RCW 19.85.025(3). Check all that apply:

RCW 34.05.310 (4)(b)
(Internal government operations)

RCW 34.05.310 (4)(e)
(Dictated by statute)

RCW 34.05.310 (4)(c)
(Incorporation by reference)

RCW 34.05.310 (4)(f)
(Set or adjust fees)

RCW 34.05.310 (4)(d)
(Correct or clarify language)

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)

This rule proposal, or portions of the proposal, is exempt under RCW 34.05.310(4)(e).

Explanation of exemptions, if necessary:

COMPLETE THIS SECTION ONLY IF NO EXEMPTION APPLIES

If the proposed rule is **not exempt**, does it impose more-than-minor costs (as defined by RCW 19.85.020(2)) on businesses?

No Briefly summarize the agency's analysis showing how costs were calculated.

Yes Calculations show the rule proposal likely imposes more-than-minor cost to businesses, and a small business economic impact statement is required. Insert 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 19, 2021

Name: Wendy Barcus

Title: HCA Rules Coordinator

Signature:

A handwritten signature in black ink that reads "Wendy Barcus". The signature is written in a cursive style with a large, sweeping initial 'W'.

Chapter 182-110 WAC
PARTNERSHIP ACCESS LINE AND PSYCHIATRIC CONSULTATION LINE

NEW SECTION

WAC 182-110-0100 General. (1) The Washington state health care authority (authority), the University of Washington department of psychiatry and behavioral sciences, and Seattle children's hospital administer the partnership access lines described in RCW 71.24.061, relating to mental health services for children and the treatment of depression in pregnant women and new mothers.

(2) The authority and the University of Washington department of psychiatry and behavioral sciences administer the psychiatric consultation line described in RCW 71.24.062 to give certain providers on-demand access to psychiatric and substance use disorder clinical consultation for adult patients.

(3) The authority or its designee:

(a) Determines the administrative costs for each program identified in subsections (1) and (2) of this section;

(b) Calculates the proportion of clients that are covered by programs administered under chapter 74.09 RCW; and

(c) Collects a proportionate share of program costs that are not for covered lives from the assessed entities under contract with the authority as medicaid managed care organizations.

NEW SECTION

WAC 182-110-0200 Definitions. For the purposes of this chapter:

(1) "Assessed entity" means:

(a) Health carriers, as defined in RCW 48.43.005;

(b) Self-funded multiple employer welfare arrangements, as defined in RCW 48.125.010; and

(c) Employers or other entities that provide health care in Washington, including self-funding entities or employee welfare benefit plans.

(2) "Covered lives" means a Washington resident who is covered by an assessed entity, including an enrollee, subscriber, policyholder, beneficiary of a group plan, or person covered by any other health plan.

NEW SECTION

WAC 182-110-0300 Registration requirements. (1) An assessed entity must register with the authority or its designee and provide the required contact information. Reporting entities must comply with the authority's or its designee's processes for registering and submitting

data, as outlined in the data submission guide published on the authority's or its designee's website.

(2) Reregistration is required only if there is a change in the contact information previously provided. Assessed entities are responsible for maintaining current and accurate contact information with the authority or its designee.

(3) Failure to register and provide or maintain accurate contact information with the authority or its designee may result in an assessed entity's inability to submit required data in compliance with this chapter.

NEW SECTION

WAC 182-110-0400 Data reporting. (1) Beginning July 1, 2021, no later than the end of forty-five calendar days after the end of each calendar quarter, an assessed entity must submit to the authority or its designee, in the required format, the total number of Washington resident covered lives for each calendar month from the prior quarter.

(2) An assessed entity must immediately notify the authority or its designee if it identifies a covered lives reporting error.

(3) Each assessed entity must collect and maintain the data in a manner consistent with applicable state and federal health information privacy laws.

(4) Failure to report accurate data to the authority or its designee may result in an assessed entity's inability to maintain compliance with this chapter.

NEW SECTION

WAC 182-110-0500 Assessment. Each assessed entity receives a quarterly invoice for its share of the total amount of program costs that are for the proportion of the entity's covered lives. Entities must timely send payment to fund the partnership access lines described in RCW 71.24.061 and the psychiatric consultation line described in RCW 71.24.062.