



STATE OF WASHINGTON
HEALTH CARE AUTHORITY

626 8th Avenue SE • P.O. Box 42716 • Olympia, Washington 98504-2716

January 3, 2024

TO: Office of the Code Reviser
Interested Parties
Office of Financial Management—Office of Regulatory Assistance
Joint Administrative Rules Review Committee
Department of Health—Rules Coordinator
Department of Social and Health Services—Rules Coordinator
Department of Children, Youth, and Families – Rules Coordinator

FROM: Wendy Barcus, Rules Coordinator *WLB*
Health Care Authority

SUBJECT: Semi-Annual Rulemaking Agenda, January-June 2024

The Washington Health Care Authority prepares a semi-annual rulemaking agenda in January and July each year for publication in the Washington state register pursuant to RCW 34.05.314. This report details current and anticipated rulemaking activities for HCA. Additional rulemaking activity may occur which is not listed on this agenda as conditions warrant.

Rulemaking information is available on HCA's website:
<https://www.hca.wa.gov/about-hca/rulemaking>.

To be notified of any changes, you may sign up for email notifications:
https://public.govdelivery.com/accounts/WAHCA/subscriber/new?qsp=WAHCA_10

If you have questions about this rulemaking agenda, my contact information is:

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Attachment

OFFICE OF THE CODE REVISER
STATE OF WASHINGTON
FILED

DATE: January 03, 2024

TIME: 9:00 AM

WSR 24-02-089

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WAC Chapter	Rule Subject	Current Activity		
		Preproposal Notice CR-101	Proposed Rule CR-102 (Public Hearing) or CR-105 (expedited)	Emergency CR-103E
HEALTH CARE AUTHORITY – GENERAL				
New chapter 182-80	Primary Care Transformation Model (PCTM) - Provider certification	WSR 23-01-066 Filed 12/14/2022 Withdrawn WSR 23-06-071 Filed 3/1/2023		
PUBLIC EMPLOYEE BENEFITS (PEB)				
Chapters 182-08, -12, and -16	Public Employees Benefits Board (PEBB) – Annual updates	<i>HCA intends to begin rulemaking soon.</i>		
182-12-5000 (new)	Retirees who regained eligibility for public employees benefits board (PEBB) retiree insurance coverage as authorized in SSB 5490, Chapter 15, Laws of 2023.	<i>This will be included in the PEBB Annual updates.</i>		WSR 23-20-002 Effective 9/20/2023
182-12-5100 (new)	What options for health plan enrollment are available to a retired employee of an employer group that previously ended participation in public employees benefits board (PEBB) insurance coverage, as authorized in SSB 1804, Chapter 312, Laws of 2023, section 3.	<i>This will be included in the PEBB Annual updates.</i>		WSR 23-20-068 Effective 9/29/2023
182-12-5110, 182-12-5120 (new)	When is a retiring school employee of an employer group eligible to enroll in PEBB retiree insurance coverage; and What options for continuing health plan enrollment are available to a retiree of an employer group that ends participation in PEBB or SEBB insurance coverage, as authorized in SHB 1804, Chapter 312, Laws of 2023, Sec. 1	<i>This will be included in the PEBB Annual updates.</i>		WSR 23-20-030 Effective 09/25/2023

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WAC Chapter	Rule Subject	Current Activity		
		Preproposal Notice CR-101	Proposed Rule CR-102 (Public Hearing) or CR-105 (expedited)	Emergency CR-103E
PUBLIC EMPLOYEE BENEFITS (PEB) (cont.)				
182-12-5200 (new)	When is a retiring employee or a retiring school employee who separates from employment eligible to enroll in PEBB retiree insurance coverage, as authorized in HB 1008, Chapter 164, Laws of 2023.	<i>This will be included in the PEBB Annual updates.</i>		WSR 24-02-061 Filed 12/29/2023
SCHOOL EMPLOYEE BENEFITS (SEB)				
Chapters 182-30, -31, and -32	School Employees Benefits Board (SEBB) – Annual updates	<i>HCA intends to begin rulemaking soon.</i>		
182-30-5000, 182-30-5010 (new)	School employees benefits board employer groups, as authorized in SSB 5275, Chapter 13, Laws of 2023	<i>This will be included in the SEBB Annual updates.</i>		WSR 23-22-079 Effective 10/27/2023
WASHINGTON APPLE HEALTH (MEDICAID)				
182-502-0002; 182-531-1400	Adding licensed associates as allowable provider types	WSR 24-02-050 Filed 12/28/2023		
182-502-0005, 182-502-0006, 182-502-0010, 182-502-0012, 182-502-0030, 182-502-0040	Core provider agreement (CPA); Enrollment for nonbilling individual providers; When the medicaid agency enrolls; When the medicaid agency does not enroll; Termination of a provider agreement-For cause; Termination of a provider agreement-For convenience	<i>HCA intends to begin rulemaking soon.</i>		
182-508-0001; 182-512-0920	Washington apple health – Coverage options for adults not eligible under MAGI methodologies; SSI-related medical – Deeming/allocation of income from nonapplying spouse	WSR 23-23-044 Filed 11/06/2023		
182-509-0220, 182-519-0050	Washington apple health – How resources are considered; Monthly income and countable resource standards for medically needy	WSR 23-17-124 Filed 8/21/2023	CR102 WSR 23-24-003 Public hearing scheduled for 01/09/2024.	

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WAC Chapter	Rule Subject	Current Activity		
		Preproposal Notice CR-101	Proposed Rule CR-102 (Public Hearing) or CR-105 (expedited)	Emergency CR-103E
WASHINGTON APPLE HEALTH (MEDICAID) (Cont.)				
182-509-0300, 182-509-0305, and 182-512-0880	SSI-related medical – Special income disregards; Modified adjusted gross income (MAGI); MAGI income – Persons subject to the MAGI methodology	WSR 23-05-107 Filed 2/15/2023	CR102 WSR 23-08-062 Public hearing scheduled for 5/9/2023. CR102 withdrawn under WSR 23-10-020 before hearing held. <i>Rulemaking on hold for necessary legislative funding to implement a new 1915(i) benefit.</i>	
182-513-1105	Personal needs allowance (PNA) and room and board standards in a medical institution and alternate living facility (ALF)		CR105 WSR 24-02-049 Comments due by 03/5/2024	
182-517-0100	Federal medicare savings program	WSR 23-17-081 Filed 8/15/2023	CR102 WSR 24-02-013 Public hearing scheduled for 2/6/2024	
182-526-0210	Appeals requested by intermediate care facilities for individuals with intellectual disabilities (ICF/IID)		CR105 WSR 24-01-061 Comments due by 2/20/2024	
182-530-7050	Reimbursement - Dispensing fee	WSR 23-22-075 Filed 10/26/2023	CR102 WSR 24-01-140 Public hearing scheduled for 1/23/2024	WSR 23-22-074 Effective 10/26/2023
182-530-1050, 182-530-7000, 182-530-7100, 182-530-7250, 182-530-7300, 182-530-7900, 182-530-8000, 182-531-0050, 182-531-1625, 182-532-001, 182-532-140, and 182-532-550	Prescription drugs (Outpatient) – Drugs purchased under the Public Health Services (PHS) Act (340B)	WSR 23-07-015 Filed 03/03/2023		
182-531-0200, 182-531-0200	Coverage for adult cochlear implants	WSR 23-17-088 Filed 8/15/2023	CR102 WSR 23-24-002 Public hearing scheduled for 1/9/2024	WSR 24-02-047 Effective 1/1/2024
182-532-001, 182-532-510	Reproductive health services – Definitions; Family planning only program – Eligibility	WSR 23-16-017 Filed 7/20/2023		

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WAC Chapter	Rule Subject	Current Activity		
		Preproposal Notice CR-101	Proposed Rule CR-102 (Public Hearing) or CR-105 (expedited)	Emergency CR-103E
WASHINGTON APPLE HEALTH (MEDICAID) (Cont.)				
182-532-530, 182-532-550, 182-532-560	Family planning only programs – Covered services, payment limitations, and documentation requirements	WSR 23-24-065 Filed 12/04/2023		WSR 24-02-058 Effective 1/1/2024
182-532 and 182-502-0002	Maternity related services – birth doula services. Eligible provider types – Adding birth doula.	<i>HCA intends to begin rulemaking soon.</i>		
182-538-070	Payments, corrective action, and sanctions for managed care organization (MCOs)	WSR 24-02-086 Filed 1/3/2024		
182-538B-180	Civil transition program (CTP) - Overview	<i>HCA intends to begin rulemaking soon.</i>		WSR 23-24-052 Effective 12/1/2023
182-548-1300; 182-549-1300	Rural health clinics; Federally-qualified health centers – adding substance use disorder professionals (SUDP).	<i>HCA intends to begin rulemaking soon</i>		
182-550-2600	Inpatient psychiatric services	WSR 23-17-101 Filed 8/16/2023		
182-550-4000, 182-550-4500	Payment method – Out-of-state hospitals; Payment method – Ratio of costs-to-charges (RCC)	WSR 24-01-131 Filed 12/19/2023		
182-550-5700	Hospital reports and audits	WSR 23-24-084 Filed 12/5/2023		
182-553 182-551-2000, 182-551-2010, 182-551-2100, 182-551-2130	Home Infusion Therapy/Parenteral Nutrition Program & Home Health Services	<i>HCA intends to begin rulemaking soon</i>		
182-556-0200; 182-501-0070	Chiropractic services for adults	<i>HCA intends to begin rulemaking soon.</i>		
182-556-0250; (New section) 182-501-0060; 182-502-0003	Acupuncture services	<i>HCA intends to begin rulemaking soon</i>		
182-557-0200	Health home eligibility	WSR 23-23-182 Filed 11/22/2023		

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WAC Chapter	Rule Subject	Current Activity		
		Preproposal Notice CR-101	Proposed Rule CR-102 (Public Hearing) or CR-105 (expedited)	Emergency CR-103E
WASHINGTON APPLE HEALTH (MEDICAID) (Cont.)				
182-561 (New Chapter)	Community Behavioral Health Support Services (CBHS)	WSR 22-09-074 Filed 4/19/2022	CR102 WSR 23-08-048 Public hearing scheduled for 5/9/2023. CR102 withdrawn under WSR 23-10-020 before hearing held. <i>Rulemaking on hold for necessary legislative funding to implement a new 1915(i) benefit.</i>	
New rules	Medical respite	<i>HCA intends to begin rulemaking soon</i>		
WASHINGTON APPLE HEALTH (EXPANSION)				
New chapter	Rules related to ESSB 5187.SL, Sec 211 (83)	WSR 23-14-063 Filed 6/28/2023		

KEY

CR: “Code Reviser” – On the rulemaking forms produced by the Office of the Code Reviser.

CR-101: Preproposal Statement of Inquiry filed under RCW 34.05.310

CR-102: Proposed Rule Making notice filed under RCW 34.05.320 or 34.05.340

CR-103: Rule Making Order permanently adopting a rule, and filed under RCW 34.05.360 and 34.05.380

CR-105: Expedited Rule Making Proposal filed under RCW 34.05.353

RCW: Revised Code of Washington

WAC: Washington Administrative Code

WSR: Washington State Register official filing reference number given by the Office of the Code Reviser when a notice is filed.

Cc: Roselyn Marcus, OFM