



STATE OF WASHINGTON
HEALTH CARE AUTHORITY

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

July 5, 2023

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, July-December 2023

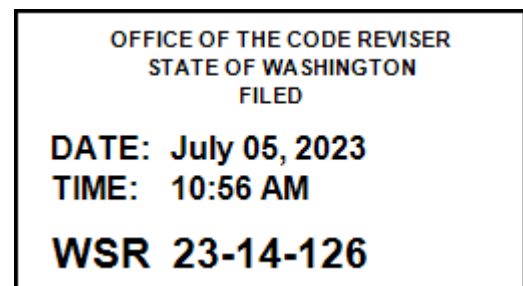
The Washington Health Care Authority prepares a semi-annual rulemaking agenda in January and July each year for publication in the Washington state register pursuant to RCW 34.05.314. This report details current and anticipated rulemaking activities for HCA. Additional rulemaking activity may occur which 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:

Wendy Barcus, Rules Coordinator
PO Box 42716
Olympia, WA 98504-2716
Telephone (360) 725-1306
E-mail wendy.barcus@hca.wa.gov.



Attachment

Health Care Authority Semi-Annual Rulemaking Agenda

July through December 2023

Page 2

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 182-52	Establishment of Prescription Drug Affordability Board (2SSB 5532)	WSR 22-15-035 Filed 7/14/2022		
New chapter 182-80	Primary Care Transformation Model (PCTM) - Provider certification	WSR 23-01-066 Filed 12/14/2022 Withdrawn WSR 23-06-071 Filed 3/1/2023		
BEHAVIORAL HEALTH				
182-120 (New chapter)	Antipsychotic medication rights and less restrictive alternative treatment	WSR 20-09-130 Filed 4/21/2020		
182-135	Recovery Residence Program	WSR 23-11-079 Filed 5/17/2023		
PUBLIC EMPLOYEE BENEFITS (PEB)				
182-12-5000	Retirees who regained eligibility for public employees benefits board (PEBB) retiree insurance coverage as authorized in SSB 5490, Chapter 15, Laws of 2023, 68 th Legislature, 2023 Regular Session			CR103E WSR 23-12-019 Effective 5/25/2023
182-12-5100	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.			CR103E WSR 23-12-057 Effective 6/2/2023
<i>New rules – Number not assigned yet</i>	Rules related to SHB 1804			<i>HCA intends to file rulemaking within the next 6 months.</i>
<i>New rules – Number not assigned yet</i>	Rules related to HB 1008			<i>HCA intends to file rulemaking within the next 6 months.</i>

Health Care Authority Semi-Annual Rulemaking Agenda

July through December 2023

Page 3

WAC Chapter	Rule Subject	Current Activity		
		Preproposal Notice CR-101	Proposed Rule CR-102 (Public Hearing) or CR-105 (expedited)	Emergency CR-103E
SCHOOL EMPLOYEE BENEFITS (SEB)				
182-30-5000 182-30-5010	School employees benefits board employer groups, as authorized in SSB 5275, Chapter 13, Laws of 2023			CR103E WSR 23-14-095 Effective 7/23/2023
WASHINGTON APPLE HEALTH (MEDICAID)				
182-500-0030 182-502-0002 182-502-0016 182-502-0020 182-502-0100 Chapter 182-551 Chapter 182-538	Electronic visit verification (EVV) for Home Health Care Services	WSR 23-10-019 Filed 4/25/2023		
182-500-0075 182-500-0085 182-502-0005 182-502-0030 182-502-0270 Chapter 182-530 182-531-0250	Termination of provider enrollment - For cause	WSR 23-10-033 Filed 4/27/2023		
182-500-0010 182-500-0095 182-500-0100	Definitions – A, R, and S	<i>HCA intends to begin rulemaking soon.</i>		
182-501-0200	Third party liability (TPL) – to align with recent amendments to SSA 1902(a)(25)(l) due to the Consolidated Appropriations Act (CAA) 2022; P.L. 117-103	WSR 23-14-106 Filed 7/3/2023		
182-504-0015 182-504-0035 182-505-0210	Children continued coverage	WSR 23-14-092 Filed 6/30/2023		CR103E WSR 23-14-090 Effective 6/30/2023
182-504-0035	Washington Apple Health – Renewals	WSR 23-12-049 Filed 6/1/2023		
182-503-0535 182-507-0135	Washington Apple Health - Citizenship & immigration status; Immigration status requirement for medical assistance (RMA)	WSR 23-14-014 Filed 6/23/2023		CR103E WSR 23-14-013 Effective 6/22/2023

**Health Care Authority Semi-Annual Rulemaking Agenda
July through December 2023**

Page 4

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 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.	
182-513-1625 182-513-1635 182-513-1640	Tailored supports for older adults (TSOA) – Applications, Income Eligibility, and Resource Eligibility	WSR 22-17-082 Filed 8/17/2022		CR103E WSR 23-14-097 Effective 7/1/2023
182-513-1100	Definitions related to long-term services and supports (LTSS)	<i>HCA intends to begin rulemaking soon.</i>		
182-521-0200	Coverage after PHE ends	WSR 23-08-071 Filed 4/4/2023	CR102 WSR 23-13-005 Public hearing scheduled for 7/25/2023	
182-530-1050 182-530-7100 182-530-7250 182-530-7900 182-531-0050 182-531-1625 182-532-001 182-532-140 182-532-550	Billing requirements for fee-for-service drugs by providers subject to the 340B program requirements	WSR 23-07-015 Filed 3/3/2023		
182-531-0200 182-531-0200 182-547-0850	Coverage for adult cochlear implants	<i>HCA intends to begin rulemaking soon.</i>		
182-531-1850	Payment methodology for physicians-related services – General and billing modifiers	WSR 22-17-048 Filed 8/11/2022	CR102 WSR 23-13-083 Public hearing scheduled for 7/25/2023	
182-531-2040	Enhanced reimbursement – Medication assisted treatment for opioid use disorder	WSR 23-08-060 Filed 4/3/2023	CR102 WSR 23-13-103 Public hearing scheduled for 7/25/2023	

Health Care Authority Semi-Annual Rulemaking Agenda

July through December 2023

Page 5

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.)				
182-531A-0200 182-531A-0400 182-531A-0500 182-531A-0600 182-531A-0800	Applied behavior analysis (ABA)	WSR 23-13-023 Filed 6/9/2023		
182-532-510	Family Planning Only	<i>HCA intends to begin rulemaking soon.</i>		
182-532 (new section(s)); and 182-502-0002	Maternity related services – birth doula services. Eligible provider types – Adding birth doula.	<i>HCA intends to begin rulemaking soon</i>		
182-535-1088	Dental-related services – Covered periodontic services	WSR 23-13-022 Filed 6/9/2023		
182-535A-0040	Orthodontic treatment and orthodontic-related services – Covered, noncovered, and limitations to coverage	WSR 23-13-024 Filed 6/9/2023		
182-546 (Multiple Sections)	Transportation services - Nonemergency transportation (NEMT)	WSR 22-24-114 Filed 12/7/2022	CR102 WSR 23-14-121 Public hearing scheduled for 8/8/2023	
182-550-2900 182-550-3800 182-550-3830 182-550-4500 182-550-7200 182-550-7550 182-550-8000 180-550-8100	Hospital – General policy updates	WSR 23-13-104 Filed 6/20/2023		
182-550-4400 182-550-4550 182-550-4800	Exempt from DRG payment; Administrative swing day rate and swing bed day rate; Hospital payment methods – State-administered programs	WSR 23-13-105 Filed 6/20/2023		
182-550-2600	Inpatient psychiatric services	WSR 20-21-106 Filed 10/21/2020 Withdrawn WSR 23-12-010 Filed 5/25/2023		
182-550-1100 182-550-2750 182-550-4700 182-550-5425	Hospital rules – correct typographical error and repealing rules no longer necessary		CR105 WSR 23-14-023 Filed 6/23/2023 Comments due 6/9/2023	
182-558	Premium payment program	WSR 23-07-109 Filed 3/20/2023		

Health Care Authority Semi-Annual Rulemaking Agenda

July through December 2023

Page 6

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.	
WASHINGTON APPLE HEALTH (EXPANSION)				
<i>New rules – Number not assigned yet</i>	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