



# PROPOSED RULE MAKING

## CR-102 (June 2012)

(Implements RCW 34.05.320)

Do **NOT** use for expedited rule making

Agency: Health Care Authority, Washington Apple Health

- |   |   |
|---|---|
| <input checked="" type="checkbox"/> Preproposal Statement of Inquiry was filed as WSR 15-09-051; or | <input checked="" type="checkbox"/> Original Notice       |
| <input type="checkbox"/> Expedited Rule Making--Proposed notice was filed as WSR _____; or          | <input type="checkbox"/> Supplemental Notice to WSR _____ |
| <input type="checkbox"/> Proposal is exempt under RCW 34.05.310(4) or 34.05.330(1).                 | <input type="checkbox"/> Continuance of WSR _____         |

**Title of rule and other identifying information:**

182-500-0015 Medical definitions - B  
182-500-0085 Medical definitions - P  
182-500-0105 Medical definitions - T

**Hearing location(s):**

Health Care Authority  
Cherry Street Plaza Building; Sue Crystal Conf Rm 106A  
626 - 8<sup>th</sup> Avenue, Olympia WA 98504

Metered public parking is available street side around building. A map is available at:  
[http://www.hca.wa.gov/documents/directions\\_to\\_csp.pdf](http://www.hca.wa.gov/documents/directions_to_csp.pdf)  
or directions can be obtained by calling: 360-725-1000

Date: **October 6, 2015** Time: **10:00 a.m.**

**Date of intended adoption:** Not sooner than October 7, 2015  
(Note: This is **NOT** the **effective** date)

**Submit written comments to:**

Name: HCA Rules Coordinator  
Address: PO Box 45504, Olympia WA, 98504-5504  
Delivery: 626 – 8<sup>th</sup> Avenue, Olympia WA 98504  
e-mail [arc@hca.wa.gov](mailto:arc@hca.wa.gov)  
fax (360) 586-9727

by **5:00 p.m. on October 6, 2015**

**Assistance for persons with disabilities:**

Contact Amber Lougheed by September 28, 2015  
e-mail: [amber.lougheed@hca.wa.gov](mailto:amber.lougheed@hca.wa.gov) or (360) 725-1349

TTY (800) 848-5429 or 711

**Purpose of the proposal and its anticipated effects, including any changes in existing rules:**

The agency is amending these sections of the General Definitions chapter to replace outdated references to Title 388 WAC, MAA, etc., to clarify language, and to remove terms that are not actually used in Title 182 WAC.

**Reasons supporting proposal:** The proposed revisions simplify and clarify definitions.

**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:

**DATE**  
August 28, 2015

**NAME**  
Wendy Barcus

**SIGNATURE**

**TITLE**  
HCA Rules Coordinator

**CODE REVISER USE ONLY**

OFFICE OF THE CODE REVISER  
STATE OF WASHINGTON  
FILED

**DATE: August 28, 2015**  
**TIME: 11:00 AM**

**WSR 15-18-072**

**Agency comments or recommendations, if any, as to statutory language, implementation, enforcement, and fiscal matters:**

N/A

**Name of proponent:** Health Care Authority

- Private  
 Public  
 Governmental

**Name of agency personnel responsible for:**

Name	Office Location	Phone
Drafting.....Chantelle Diaz	PO Box 2716, Olympia, WA 98504-2716	(360) 725-1842
Implementation.....Mick Pettersen; Erin Mayo	PO Box 5534, Olympia, WA 98504-5534; PO Box 5240, Olympia, WA 98504-5240	(360) 725-0913; (360) 725-1729
Enforcement.....Mick Pettersen; Erin Mayo	PO Box 5534, Olympia, WA 98504-5534; PO Box 5240, Olympia, WA 98504-5240	(360) 725-0913; (360) 725-1729

**Has a small business economic impact statement been prepared under chapter 19.85 RCW or has a school district fiscal impact statement been prepared under section 1, chapter 210, Laws of 2012?**

Yes. Attach copy of small business economic impact statement or school district fiscal impact statement.

A copy of the statement may be obtained by contacting:

Name:

Address:

phone ( ) \_\_\_\_\_

fax ( ) \_\_\_\_\_

e-mail \_\_\_\_\_

No. Explain why no statement was prepared.

The Joint Administrative Review Committee has not requested the filing of a small business economic impact statement, and these rules do not impose a disproportionate cost impact on small businesses.

**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 ( ) \_\_\_\_\_

e-mail \_\_\_\_\_

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.

AMENDATORY SECTION (Amending WSR 11-14-075, filed 6/30/11, effective 7/1/11)

**WAC 182-500-0015 Medical assistance definitions—B. "Benefit package"** means the set of health care service categories included in a client's ~~((eligibility))~~ health care program. See ~~((the table in WAC 388-501-0060))~~ WAC 182-501-0060.

**"Benefit period"** means the time period used ~~((in determining))~~ to determine whether medicare can pay for covered Part A services. A benefit period begins the first day a beneficiary ~~((is furnished))~~ receives inpatient hospital or extended care services ~~((by))~~ 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~~((τ))~~i 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 ~~((or the agency's designee(s)))~~ published fee schedules. The provider must submit a ~~((=))~~report~~((=))~~ which describes the nature, extent, time, effort and~~((/or))~~ equipment necessary to deliver the service.

AMENDATORY SECTION (Amending WSR 14-06-045, filed 2/26/14, effective 3/29/14)

**WAC 182-500-0085 Medical assistance definitions—P. "Patient transportation"** means client transportation to ~~((and/))~~ or from covered health care services under federal and state health care programs.

**"Physician"** means a doctor of medicine, osteopathy, naturopathy, or podiatry who is legally authorized to perform the functions of the profession by the state in which the services are performed.

**"Prescribing provider"** means ~~((any physician or other))~~ a health care professional authorized by law or rule to prescribe drugs ~~((for current clients of Washington's health care programs administered by the agency))~~ to Washington apple health (WAH) clients.

**"Prior authorization"** is the requirement that a provider must request, on behalf of a client and when required by rule or agency billing instructions, the ~~((agency's))~~ agency or the agency's designee's approval to ~~((render))~~ provide a health care service or write a prescription ~~((in advance of))~~ before the client ~~((receiving))~~ receives the health care service or prescribed drug, device, or drug-related

supply. The ~~((agency's))~~ agency or the agency's designee's approval is based on medical necessity. Receipt of prior authorization does not guarantee payment. Expedited prior authorization and limitation extension are types of prior authorization.

**"Prosthetic device((s))"** means a preventive, replacement, corrective, or supportive device((s)) prescribed by a physician or other licensed practitioner ((of the healing arts)), within the scope of his or her practice ((as defined by)) under state law ((to:

- ~~• Artificially replace a missing portion of the body;~~
- ~~• Prevent or correct physical deformity or malfunction; or~~
- ~~• Support a weak or deformed portion of the body)).~~

**"Provider"** means an institution, agency, or person that is licensed, certified, accredited, or registered according to Washington state law~~((s and rules)), and has:~~

~~((1) Has)) (a) A signed core provider agreement or ((signed a)) contract with the agency or the agency's designee, and is authorized to provide health care, goods, and((/or)) services to ((medical assistance)) WAH clients; or~~

~~((2) Has)) (b) Authorization from a managed care organization (MCO) that contracts with the agency or the agency's designee to provide health care, goods, and((/or)) services to eligible ((medical assistance)) WAH clients enrolled in the MCO plan.~~

**"Provider guide"** means an agency publication that describes a specific benefit covered under WAH, which includes client eligibility verification instructions, provider responsibilities, authorization requirements, coverage, billing, and how to complete and submit claims.

**"Public institution"** see "institution" in WAC 182-500-0050.

AMENDATORY SECTION (Amending WSR 14-06-068, filed 2/28/14, effective 3/31/14)

**WAC 182-500-0105 Medical assistance definitions—T. ((**"Tax filing terms":****

~~(1) **"Tax filer"** means a person who expects to file a tax return.~~

~~(2)) **"Tax dependent"** means a person for whom ((another person claims a deduction for a personal exemption under Section 151 of the Internal Revenue Code of 1986 for a taxable year)) a tax filer claims an exemption on his or her federal income tax return. A tax dependent may be either a ((qualified)) qualifying child or a ((qualified)) qualifying relative ((as defined below and under Section 152 of the Internal Revenue Code of 1986 for a taxable year.~~

~~(a) **"Qualified child"** means a child who meets the criteria to be claimed as a tax dependent based on one of the following relationships to the tax filer: Natural, adoptive, step, or foster child; natural, adoptive, step or half sibling; or a descendant of any of the above; and meets the following criteria:~~

~~(i) The child is:~~

~~(A) Under the age of nineteen;~~

~~(B) Under the age of twenty four and a full-time student; or~~

~~(C) Any age and permanently or totally disabled.~~

~~(ii) The child lived in the tax filer's household for more than one half of the year;~~

~~(iii) The child provided for less than one half of his/her own support for the year; and~~

~~(iv) The child is not filing a joint tax return for the year unless the return is filed only as a claim for a refund of taxes.~~

~~(b) **"Qualified relative"** means a person who:~~

~~(i) Cannot be claimed as a qualifying child or the qualifying child of another tax filer;~~

~~(ii) Has lived in the tax filer's household for the full year or is related to the tax filer in one of the ways listed below and the relationship has not been ended by death or divorce:~~

~~(A) The tax filer's child, stepchild, foster child, or a descendant of any of them;~~

~~(B) A sibling, half sibling or step sibling;~~

~~(C) A parent, grandparent, or other direct ancestor, but not a foster parent;~~

~~(D) A niece, nephew, aunt, or uncle;~~

~~(E) In law relationships (son, daughter, father, mother, brother or sister in law).~~

~~(iii) Has gross income below an annual threshold set by the Internal Revenue Service (IRS) (three thousand nine hundred dollars for tax year 2013 with some exceptions). See IRS publication 501 for more information; and~~

~~(iv) Relies on the tax filer to pay over one half of their total support for the year.~~

~~(3) **"Nonfiler"** means a person who is not required to file a tax return and also includes those who are not required to file but choose to file for another purpose, such as to claim a reimbursement of taxes paid) under 26 U.S.C. Sec. 152.~~

**"Tax filer"** means a person who expects to file a federal income tax return.

**"Third party"** means an entity other than the medicaid agency or the agency's designee that ((is or)) may be liable to pay all or part of the cost of health care for a Washington apple health (WAH) client.

**"Third-party liability (TPL)"** means the legal responsibility of an identified third party or parties to pay all or part of the cost of health care for a ((Washington apple health ( ))WAH((+)) client. ((A WAH client's obligation to help establish TPL is described in)) See client obligations in establishing TPL under WAC 182-503-0540.

**"Title XIX"** is the portion of the federal Social Security Act, 42 U.S.C. 1396 et seq., that authorizes funding to states for health care programs. Title XIX is also called medicaid.

**"Title XXI"** is the portion of the federal Social Security Act, 42 U.S.C. 1397aa et seq., that authorizes funding to states for the children's health insurance program (CHIP).

**"Transfer of assets"** means changing ownership or title of an asset such as income, real property, or personal property by one of the following:

((+1)) (a) An intentional act that changes ownership or title;

or  
((+2)) (b) A failure to act that results in a change of ownership or title.