



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

- Preproposal Statement of Inquiry was filed as WSR 16-15-050; 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).

- Original Notice
- Supplemental Notice to WSR _____
- Continuance of WSR _____

Title of rule and other identifying information:

WAC 182-551-1860 Concurrent care for hospice clients twenty years of age and younger

Hearing location:

Health Care Authority
Cherry Street Plaza Building; Sue Crystal Conf Rm 106A
626 - 8th 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
or directions can be obtained by calling: (360) 725-1000

Date: **November 8, 2016** Time: **10:00 a.m.**

Date of intended adoption: Not sooner than **November 9, 2016** (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 – 8th Avenue, Olympia WA 98504
e-mail arc@hca.wa.gov
fax (360) 586-9727

by **5:00 pm on November 8, 2016**

Assistance for persons with disabilities: Contact Amber Lougheed by **November 4, 2016**
e-mail: 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 this rule to revise terms using the word “curative.” The revised terms include: life-prolonging treatment, life-prolonging service, and concurrent care benefit. The agency is removing services under subsection (4)(b) that are considered life-prolonging treatment, which are included in the concurrent care benefit and should not be listed under subsection (4).

Reasons supporting proposal: See purpose.

Statutory authority for adoption: RCW 41.05.021, 41.05.160

Statute being implemented: RCW 41.05.021, 41.05.160, Section 2302 of the Patient Protection and Affordable Care Act of 2010, 42 U.S.C. 1396d (o)(1)(C)

Is rule necessary because of a:

- Federal Law? Yes No
 - Federal Court Decision? Yes No
 - State Court Decision? Yes No
- If yes, CITATION:
Section 2302 of the Patient Protection and Affordable Care Act of 2010, 42 U.S.C. 1396d (o)(1)(C)

DATE
October 4, 2016

NAME
Wendy Barcus

SIGNATURE

TITLE
HCA Rules Coordinator

CODE REVISER USE ONLY

**OFFICE OF THE CODE REVISER
STATE OF WASHINGTON
FILED**

DATE: October 04, 2016

TIME: 11:53 AM

WSR 16-20-081

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 42716, Olympia, WA, 98504-2716	(360) 725-1842
Implementation.... Nancy Hite	PO Box 75506, Olympia, WA 98504-5506	(360) 725-1611
Enforcement..... Nancy Hite	PO Box 75506, Olympia, WA 98504-5506	(360) 725-1611

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 agency has determined that the proposed filing does not impose a disproportionate cost impact on small businesses or nonprofits.

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.

WAC 182-551-1860 Concurrent care for hospice clients age twenty ~~((years of age))~~ and younger. (1) In accordance with ~~((Section 2302 of the Patient Protection and Affordable Care Act of 2010 and Section 1814(a)(7) of the Social Security Act))~~ 42 U.S.C. 1396(d)(o)(1)(C), hospice palliative services are available to clients age twenty ~~((years of age))~~ and younger without forgoing ~~((curative))~~ life-prolonging services ~~((which))~~ that the client is entitled to under Title XIX Medicaid and Title XXI Children's Health Insurance Program (CHIP) for treatment of the terminal condition.

(2) Unless otherwise specified within this section, ~~((curative))~~ life-prolonging treatment including related services and medications requested for clients age twenty ~~((years of age))~~ and younger are subject to the medicaid agency's specific program rules governing those services or medications.

(3) The following services ~~((aimed at achieving a disease-free state))~~ are included under the ~~((curative))~~ concurrent care benefit:

- (a) Radiation;
- (b) Chemotherapy;
- (c) Diagnostics, including laboratory and imaging;
- (d) Licensed health care professional services;
- (e) Inpatient and outpatient hospital care;
- (f) Surgery;
- (g) Medication;
- (h) Equipment and related supplies, for example, wheelchairs, walkers, and wound care supplies; and
- (i) Ancillary services, such as medical transportation.

(4) The following are not included under the ~~((curative))~~ concurrent care benefit:

- (a) Hospice covered services as described in WAC 182-551-1210;
- (b) Private duty nursing, massage therapy, physical therapy, occupational therapy, or acupuncture;
- (c) Services related to symptom management such as:
 - ~~((I))~~ Radiation;
 - ~~((II))~~ Chemotherapy;
 - ~~((III))~~ Surgery;
 - ~~((IV))~~ (i) Medication for pain, nausea, and anxiety; and
 - ~~((V))~~ (ii) Equipment and related supplies~~((; and (e)))~~.
- (d) Ancillary services, such as medical transportation.

(5) Health care professionals must request prior authorization from the agency in accordance with WAC 182-501-0163 for enrollment in a concurrent care plan. Prior authorization requests are subject to medical necessity review under WAC 182-501-0165.

(6) If the ~~((curative))~~ life-prolonging treatment includes non-covered services in accordance with WAC 182-501-0070, the provider must request an exception to rule in accordance with WAC 182-501-0160.

(7) If the ~~((medicaid))~~ agency denies a request for a covered service, refer to WAC 182-502-0160, Billing a client, for when a client may be responsible to pay for a covered service.