



# PROPOSED RULE MAKING

**CR-102 (July 2022)**  
**(Implements RCW 34.05.320)**  
Do **NOT** use for expedited rule making

CODE REVISER USE ONLY

OFFICE OF THE CODE REVISER  
STATE OF WASHINGTON  
FILED

DATE: August 17, 2023

TIME: 2:19 PM

WSR 23-17-111

Agency: Health Care Authority

- Original Notice
- Supplemental Notice to WSR \_\_\_\_\_
- Continuance of WSR \_\_\_\_\_

- Preproposal Statement of Inquiry was filed as WSR 23-11-079 ; 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) Chapter 182-135 WAC - Recovery Residence Program

Hearing location(s):

Date:	Time:	Location: (be specific)	Comment:
September 26, 2023	10:00 AM	The Health Care Authority holds public hearings virtually without a physical meeting place.	To attend the virtual public hearing, you must register in advance:  <a href="https://us02web.zoom.us/webinar/register/WN_E7tAxNWnSVCG-SlhvxxsWg">https://us02web.zoom.us/webinar/register/WN_E7tAxNWnSVCG-SlhvxxsWg</a>  If the link above opens with an error message, please try using a different browser. After registering, you will receive a confirmation email containing information about joining the public hearing.

Date of intended adoption: September 27, 2023 (Note: This is **NOT** the effective date)

<b>Submit written comments to:</b> Name: HCA Rules Coordinator Address: PO Box 42716, Olympia WA 98504-2716 Email: <a href="mailto:arc@hca.wa.gov">arc@hca.wa.gov</a> Fax: 360-586-9727 Other: By (date) <u>September 26, 2023, by 11:59 PM</u>	<b>Assistance for persons with disabilities:</b> Contact Johanna Larson Phone: 360-725-1349 Fax: 360-586-9727 TTY: Telecommunication Relay Services (TRS): 711 Email: <a href="mailto:Johanna.larson@hca.wa.gov">Johanna.larson@hca.wa.gov</a> Other: By (date) <u>September 8, 2023</u>
---	---

**Purpose of the proposal and its anticipated effects, including any changes in existing rules:** The agency is amending this chapter to include program definitions, as well as rules regarding eligible providers and recovery residence referrals.

**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

**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:** None

**Type of proponent:**  Private  Public  Governmental  
**Name of proponent:** (person or organization) Health Care Authority

**Name of agency personnel responsible for:**

	Name	Office Location	Phone
Drafting:	Melinda Froud	PO Box 42716, Olympia, WA 98504-2716	360-725-1408
Implementation:	Maureen Bailey	PO Box 42730, Olympia, WA 98504-2730	360-725-0487
Enforcement:	Maureen Bailey	PO Box 42730, Olympia, WA 98504-2730	360-725-0487

**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 and Small Business Economic Impact Statement**  
Note: The [Governor's Office for Regulatory Innovation and Assistance \(ORIA\)](#) provides support in completing this part.

**(1) Identification of exemptions:**  
This rule proposal, or portions of the proposal, **may be exempt** from requirements of the Regulatory Fairness Act (see [chapter 19.85 RCW](#)). For additional information on exemptions, consult the [exemption guide published by ORIA](#). 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:
- |   |   |
|---|---|
| <input type="checkbox"/> <a href="#">RCW 34.05.310</a> (4)(b)<br>(Internal government operations) | <input type="checkbox"/> <a href="#">RCW 34.05.310</a> (4)(e)<br>(Dictated by statute)  |
| <input type="checkbox"/> <a href="#">RCW 34.05.310</a> (4)(c)<br>(Incorporation by reference)     | <input type="checkbox"/> <a href="#">RCW 34.05.310</a> (4)(f)<br>(Set or adjust fees)   |
| <input type="checkbox"/> <a href="#">RCW 34.05.310</a> (4)(d)<br>(Correct or clarify language)    | <input type="checkbox"/> <a href="#">RCW 34.05.310</a> (4)(g)<br>(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 19.85.025\(4\)](#) (does not affect small businesses).
- This rule proposal, or portions of the proposal, is exempt under RCW \_\_\_\_\_.
- Explanation of how the above exemption(s) applies to the proposed rule:

**(2) Scope of exemptions:** *Check one.*

- The rule proposal is fully exempt (*skip section 3*). Exemptions identified above apply to all portions of the rule proposal.
- The rule proposal is partially exempt (*complete section 3*). The exemptions identified above apply to portions of the rule proposal, but less than the entire rule proposal. Provide details here (consider using [this template from ORIA](#)):
- The rule proposal is not exempt (*complete section 3*). No exemptions were identified above.

**(3) Small business economic impact statement:** *Complete this section if any portion is not exempt.*

If any portion of 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 minor cost analysis and how the agency determined the proposed rule did not impose more-than-minor costs. The proposed rules do not impose costs on businesses.
- Yes Calculations show the rule proposal likely imposes more-than-minor cost to businesses and a small business economic impact statement is required. Insert the required small business economic impact 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:** August 17, 2023

**Name:** Wendy Barcus

**Title:** HCA Rules Coordinator

**Signature:**



**Chapter 182-135 WAC**  
**RECOVERY RESIDENCE ((~~REVOLVING LOAN~~)) PROGRAM**

AMENDATORY SECTION (Amending WSR 21-17-089, filed 8/13/21, effective 9/13/21)

**WAC 182-135-0100 ((~~General~~)) Purpose and scope. (1) The health care authority operates programs to support people who are in recovery from substance use disorder ((~~as described in RCW 41.05.760~~)). Recovery residences provide housing for people in recovery from substance use disorder. These residences are safe, established homes that meet the standards set by the authority for the accreditation process.**

(2) This chapter addresses recovery residence referrals, accreditation, and start-up loans.

NEW SECTION

**WAC 182-135-0110 Definitions.** The following definitions apply to this chapter:

**"Accredited"** means an organization approved by the National Alliance of Recovery Residences (NAAR).

**"Appropriate client"** means a person in recovery from substance use disorder who meets the requirements established by a recovery residence on the registry.

**"Approved recovery residence"** means a home-like environment free from alcohol and illicit drug use with a focus on peer support, assistance with obtaining addiction services, and other recovery services and support that:

(a) Is approved through the health care authority's contracted accreditation process; and

(b) Appears on the registry.

**"Licensed or certified service provider"** means a person licensed, certified, registered, or otherwise authorized by the department of health and the relevant health profession, to provide services under Title 18 RCW.

**"Refer"** means providing an appropriate client with option-based information pertaining to potential recovery residences and does not include client placement.

**"Registry"** means a list of recovery residences that are accredited and agency-approved, as described in RCW 41.05.760.

NEW SECTION

**WAC 182-135-0120 Recovery residence referrals.** A licensed or certified service provider may refer an appropriate client only to a recovery residence that is included in the registry, except as provided in WAC 182-135-0130.

NEW SECTION

**WAC 182-135-0130 Approved recovery residences—Exception.** If an approved recovery residence is not located in an appropriate client's desired county, a licensed or certified service provider may refer the client to another suitable placement or service.

AMENDATORY SECTION (Amending WSR 21-17-089, filed 8/13/21, effective 9/13/21)

**WAC 182-135-0200 Operating fund.** (1) **Purpose.** The health care authority has established the recovery residence operating revolving loan to maintain an ongoing revolving fund, as authorized by 42 U.S.C. Sec. 300x-25(a) and as described in RCW 41.05.762.

(2) **Fund.** The fund identified in subsection (1) of this section lends money to pay for the operating start-up costs associated with recovery residence programs. These costs include, but are not limited to:

- (a) One-time rent or mortgage payments;
- (b) Utility security deposits;
- (c) Salaries for on-site staff;
- (d) Minimal maintenance costs; and
- (e) Furnishings purchased for recovery residences.

(3) **Maximum loan amount.** A loan from the fund is for an amount of up to four thousand dollars.

(4) **Eligible recipients.** To be an eligible recovery residence recipient, an entity must:

(a) Be on the (~~recovery residence~~) registry published on the authority's website or be actively seeking certification and registration under RCW 41.05.760;

(b) Be a Washington state nonprofit organization;

(c) Operate a recovery residence for a group of at least six people;

(d) Prohibit the use of alcohol, marijuana, or any illegal drug in the residence;

(e) Have a policy in place to address any use of alcohol, marijuana, or an illegal drug by residents; and

(f) Allow the use of any prescribed medication for physical health, mental health, and substance use disorders.

(5) **Requirements for residents.** Residents must:

(a) Pay for the cost of recovery residence housing, including any rent or fees; and

(b) Through a majority vote, establish policies governing residence in the housing, including how residence applications are approved.

(6) **Application requirement.** To be an applicant, an entity that meets the requirements of subsection (4) of this section must apply for a recovery residence operating loan using the application process described on the authority's website.

(7) **Loan repayments.**

(a) Each recovery residence loan made under this section must be repaid by the residents of the recovery residence that received the

funds. The loan must be paid in full within two years from the date the loan was made.

(b) Residents must repay the loan through monthly installments set by the authority.

(8) **Assessment of penalties.** The authority may assess a reasonable penalty for each failure to pay the monthly installment described in subsection (7) of this section by the date specified in the loan agreement between the authority and the recovery residence operator involved in the agreement.

(9) **Appeals.**

(a) An applicant or recipient may appeal an adverse decision notice and request an administrative hearing under chapter 182-526 WAC by following the instructions included in the notice.

(i) An applicant may appeal a denial of a loan request as described in (a) of this subsection.

(ii) A recipient may appeal the following actions including, but not limited to:

(A) Late payment fees;

(B) Default due to nonpayment; or

(C) Default due to losing Washington alliance for quality recovery residences accreditation.

(b) An applicant or recipient of this program has (~~ninety~~) 90 days from the receipt of the adverse decision to appeal and must follow the process contained in the notice.