



PREPROPOSAL STATEMENT OF INQUIRY

CR-101 (October 2017)
(Implements RCW 34.05.310)

Do **NOT** use for expedited rule making

CODE REVISER USE ONLY

OFFICE OF THE CODE REVISER
STATE OF WASHINGTON
FILED

DATE: December 07, 2022

TIME: 11:46 AM

WSR 22-24-114

Agency: Health Care Authority

Subject of possible rule making: Transportation services – Nonemergency transportation (NEMT)

182-546-5000 NEMT - General

182-546-5100 NEMT - Definitions

182-546-5550 NEMT - Exclusions and limitations

182-546-5600 NEMT - Intermediate stops or delays

182-546-5800 NEMT - Trips out-of-state/out-of-country

182-546-5900 NEMT - Meals, lodging, escort/guardian

182-546-6200 NEMT - Reimbursement

Other related rules as appropriate.

Statutes authorizing the agency to adopt rules on this subject: RCW 41.05.021, RCW 41.05.160, 42 CFR 431.53, 42 CFR 440.170

Reasons why rules on this subject may be needed and what they might accomplish: The agency is amending these rules to provide more precise language to define the program parameters and ensure consistency. Specifically, the agency is proposing to amend:

- 182-546-5000(4) to clarify this section pertains to a client's freedom of access to health care, but that doesn't require the agency to cover transportation at a higher cost in order to meet the client's personal choice of medical provider.
- 182-546-5100 to add a definition for Against Medical Advice (AMA), fix WAC reference in Ambulance definition, and remove definitions for extended stay and short stay.
- 182-546-5550 to add in a new subsection (1)(b) regarding against medical advice discharges and a new subsection (1)(k) for standalone pharmacy trips.
- 182-546-5600(3)(b) to clarify the agency may pay for transportation for a client to a pharmacy to obtain Medicare Part D prescriptions if the prescriptions are billable to Medicaid and not paid for by Medicare Part D
- 182-546-5800(1) to clarify that out of state requests require a minimum of 7 days' notice before the client's travel.
- 182-546-5900(4) to clarify the reasonable cost of lodging and meals is measured against the state per diem of the location where the client is receiving covered medical services and striking subsections (4)(a), (4)(b), and (4)(c).
- 182-546-6200 to add a new subsection (8) clarifying how the mileage reimbursement rate is based.

During the course of this review, HCA may identify additional related changes that are required in order to improve clarity or update policy.

Identify other federal and state agencies that regulate this subject and the process coordinating the rule with these agencies: The Centers for Medicare and Medicaid Services (CMS)

Process for developing new rule (check all that apply):

- ☐ Negotiated rule making
- ☐ Pilot rule making
- ☐ Agency study

☒ Other (describe) The agency welcomes the public to take part in developing this rule. If interested, contact the person identified below to receive an early rule draft to review. After the early review, the agency will send a notice of proposed rulemaking (CR-102) to everyone receiving this notice and anyone who requests a copy.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting:

(If necessary)

Name: Valerie Freudenstein (Rulemaking Questions)
Address: PO Box 42716, Olympia, WA 98504-2716
Phone: 360-725-1344
Fax: 360-586-9727
TTY: Telecommunication Relay Services (TRS): 711
Email: valerie.freudenstein@hca.wa.gov
Web site: www.hca.wa.gov/about-hca/rulemaking
Other:

Name: Emily Horton (Program Questions)
Address: 626 8th Avenue SE, Olympia, WA 98504
Phone: 360-725-1721
Fax: 360-586-9727
TTY: Telecommunication Relay Services (TRS): 711
Email: Emily.horton@hca.wa.gov
Web site: www.hca.wa.gov/about-hca/rulemaking
Other:

Additional comments:

Date: December 7, 2022

Name: Wendy Barcus

Title: HCA Rules Coordinator

Signature:

A handwritten signature in black ink that reads "Wendy Barcus". The signature is written in a cursive, flowing style.