



RULE-MAKING ORDER PERMANENT RULE ONLY

CR-103P (December 2017) (Implements RCW 34.05.360)

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STATE OF WASHINGTON
FILED

DATE: November 19, 2024
TIME: 4:57 PM

WSR 24-23-096

Agency: Health Care Authority

Effective date of rule:

Permanent Rules

- 31 days after filing.
- Other (specify) January 1, 2025 (If less than 31 days after filing, a specific finding under RCW 34.05.380(3) is required and should be stated below)

Any other findings required by other provisions of law as precondition to adoption or effectiveness of rule?

- Yes
 - No
- If Yes, explain:

Purpose:

In WAC 182-501-0070, the agency removed naturopathy from the noncovered services list.
 In WAC 182-502-0002, the agency added Birth Doula as an eligible provider type. This is necessary to support a separate rulemaking filed under WSR 24-10-016, on April 19, 2024. The agency also added Behavior Health Support Specialist (BHSS) as an eligible provider type. This is necessary to support a separate rulemaking filed under WSR 24-16-024, on July 26, 2024.

As a result of a recent [Office of Financial Management \(OFM\) directive](#), the Health Care Authority (HCA) is pausing implementation of coverage for adult chiropractic and acupuncture services planned for 1/1/2025.

The following proposed rule sections filed under WSR 24-19-096 will not be adopted at this time:

- 182-502-0003 Noneligible provider types
- 182-531-0150 Noncovered physician-related and health care professional services- General and administrative
- 182-556-0200 Chiropractic services
- 182-556-0250 Acupuncture services (New)

Citation of rules affected by this order:

- New:
- Repealed:
- Amended: 182-501-0070, 182-502-0002
- Suspended:

Statutory authority for adoption: RCW 41.05.021, 41.05.160

Other authority: None

PERMANENT RULE (Including Expedited Rule Making)

Adopted under notice filed as [WSR 24-19-096](#) on September 17, 2024 (date).
 Describe any changes other than editing from proposed to adopted version:

Proposed/Adopted	WAC Subsection	Reason
WAC 182-501-0070(b)		
Proposed	(b) ((Acupuncture,) Christian Science practice, faith healing, herbal therapy, homeopathy, massage, massage therapy, ((naturopathy,) and sanipractice;	As a result of a recent Office of Financial Management (OFM) directive , the Health Care Authority (HCA) is pausing implementation of coverage for adult chiropractic and acupuncture
Adopted	(b) Acupuncture, Christian Science practice, faith healing, herbal therapy, homeopathy, massage, massage therapy, ((naturopathy,) and sanipractice;	

		services planned for 1/1/2025.
WAC 182-501-0070(c)		
Proposed	(c) (Chiropractic care for adults;	As a result of a recent Office of Financial Management (OFM) directive , the Health Care Authority (HCA) is pausing implementation of coverage for adult chiropractic and acupuncture services planned for 1/1/2025.
Adopted	(c) Chiropractic care for adults;	
WAC 182-502-0002(1)(a)		
Proposed	(a) Acupuncturists;	As a result of a recent Office of Financial Management (OFM) directive , the Health Care Authority (HCA) is pausing implementation of coverage for adult chiropractic and acupuncture services planned for 1/1/2025.
Adopted	(a) Acupuncturists;	
WAC 182-502-0003 WAC 182-531-0150 WAC 182-556-0200 WAC 182-556-0250		
<p>As a result of a recent Office of Financial Management (OFM) directive, the Health Care Authority (HCA) is pausing implementation of coverage for adult chiropractic and acupuncture services planned for 1/1/2025. The rulemaking changes, as proposed during the public hearing, will not be adopted for the following WACs:</p> <p>182-502-0003 Noneligible provider types 182-531-0150 Noncovered physician-related and health care professional services- General and administrative 182-556-0200 Chiropractic services 182-556-0250 Acupuncture services (New)</p>		
<p>If a preliminary cost-benefit analysis was prepared under RCW 34.05.328, a final cost-benefit analysis is available by contacting:</p> <p>Name: Address: Phone: Fax: TTY: Email: Web site: Other:</p>		

**Note: If any category is left blank, it will be calculated as zero.
No descriptive text.**

**Count by whole WAC sections only, from the WAC number through the history note.
A section may be counted in more than one category.**

The number of sections adopted in order to comply with:

Federal statute:	New	_____	Amended	_____	Repealed	_____
Federal rules or standards:	New	_____	Amended	_____	Repealed	_____
Recently enacted state statutes:	New	_____	Amended	_____	Repealed	_____

The number of sections adopted at the request of a nongovernmental entity:

New	_____	Amended	_____	Repealed	_____
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The number of sections adopted on the agency's own initiative:

New	_____	Amended	<u>2</u>	Repealed	_____
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The number of sections adopted in order to clarify, streamline, or reform agency procedures:

New	_____	Amended	<u>2</u>	Repealed	_____
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The number of sections adopted using:

Negotiated rule making:	New	_____	Amended	_____	Repealed	_____
Pilot rule making:	New	_____	Amended	_____	Repealed	_____
Other alternative rule making:	New	_____	Amended	<u>2</u>	Repealed	_____

Date Adopted: November 19, 2024	Signature: 
Name: Wendy Barcus	
Title: HCA Rules Coordinator	

WAC 182-501-0070 Health care coverage—Noncovered services. (1)

The medicaid agency or ((its)) the agency's designee does not pay for any health care service not listed or referred to as a covered health care service under the medical programs described in WAC 182-501-0060, regardless of medical necessity. For the purposes of this section, health care services includes treatment, equipment, related supplies, and drugs. Circumstances in which clients are responsible for payment of health care services are described in WAC 182-502-0160.

(2) This section does not apply to health care services provided as a result of the early and periodic screening, diagnosis, and treatment (EPSDT) program as described in chapter 182-534 WAC.

(3) The agency or ((its)) the agency's designee does not pay for any ancillary health care service(s) provided in association with a noncovered health care service.

(4) The following list of noncovered health care services is not intended to be exhaustive. Noncovered health care services include, but are not limited to:

(a) Any health care service specifically excluded by federal or state law;

(b) Acupuncture, Christian Science practice, faith healing, herbal therapy, homeopathy, massage, massage therapy, ((naturopathy)) and sanipractice;

(c) Chiropractic care for adults;

(d) Cosmetic, reconstructive, or plastic surgery, and any related health care services, not specifically allowed under WAC 182-531-0100(4) or 182-531-1675;

(e) Discography;

(f) Ear or other body piercing;

(g) Face lifts or other facial cosmetic enhancements;

(h) Fertility, infertility or sexual dysfunction testing, and related care, drugs, and/or treatment including, but not limited to:

(i) Artificial insemination;

(ii) Donor ovum, donor sperm, or gestational carrier;

(iii) In vitro fertilization;

(iv) Penile implants;

(v) Reversal of sterilization; and

(vi) Sex therapy.

(i) Hair transplants;

(j) Epilation (hair removal) and electrolysis not specifically allowed under WAC 182-531-1675;

(k) Marital counseling;

(l) Motion analysis, athletic training evaluation, work hardening condition, high altitude simulation test, and health and behavior assessment;

(m) Nonmedical equipment;

(n) Penile implants;

(o) Prosthetic testicles not specifically allowed under WAC 182-531-1675;

(p) Psychiatric sleep therapy;

(q) Subcutaneous injection filling;

(r) Tattoo removal;

(s) Transport of Involuntary Treatment Act (ITA) clients to or from out-of-state treatment facilities, including those in bordering cities;

(t) Upright magnetic resonance imaging (MRI); and

(u) Vehicle purchase - New or used vehicle.

(5) For a specific list of noncovered health care services in the following service categories, refer to the WAC citation:

(a) Ambulance transportation and nonemergent transportation as described in chapter 182-546 WAC;

(b) Dental services as described in chapter 182-535 WAC;

(c) Durable medical equipment as described in chapter 182-543 WAC;

(d) Hearing care services as described in chapter 182-547 WAC;

(e) Home health services as described in WAC 182-551-2130;

(f) Hospital services as described in WAC 182-550-1600;

(g) Health care professional services as described in WAC 182-531-0150;

(h) Prescription drugs as described in chapter 182-530 WAC;

(i) Vision care hardware for clients 20 years of age and younger as described in chapter 182-544 WAC; and

(j) Vision care exams as described in WAC 182-531-1000.

(6) A client has a right to request an administrative hearing, if one is available under state and federal law. When the agency or its designee denies all or part of a request for a noncovered health care service(s), the agency or its designee sends the client and the provider written notice, within 10 business days of the date the decision is made, that includes:

(a) A statement of the action the agency or its designee intends to take;

(b) Reference to the specific WAC provision upon which the denial is based;

(c) Sufficient detail to enable the recipient to:

(i) Learn why the agency's or its designee's action was taken; and

(ii) Prepare a response to the agency's or its designee's decision to classify the requested health care service as noncovered.

(d) The specific factual basis for the intended action; and

(e) The following information:

(i) Administrative hearing rights;

(ii) Instructions on how to request the hearing;

(iii) Acknowledgment that a client may be represented at the hearing by legal counsel or other representative;

(iv) Instructions on how to request an exception to rule (ETR);

(v) Information regarding agency-covered health care services, if any, as an alternative to the requested noncovered health care service; and

(vi) Upon the client's request, the name and address of the nearest legal services office.

(7) A client can request an exception to rule (ETR) as described in WAC 182-501-0160.

WAC 182-502-0002 Eligible provider types. The following health care professionals, health care entities, suppliers or contractors of service may request enrollment with the Washington state health care authority (medicaid agency) to provide covered health care services to eligible clients. For the purposes of this chapter, health care services include treatment, equipment, related supplies, and drugs.

- (1) Professionals:
 - (a) Advanced registered nurse practitioners;
 - (b) Advanced social workers;
 - (c) Advanced social worker associates;
 - (d) Anesthesiologists;
 - (e) Applied behavior analysis (ABA) professionals, as provided in WAC 182-531A-0800:

- (i) Licensed behavior analyst;
- (ii) Licensed assistant behavior analyst; and
- (iii) Certified behavior technician;
- (f) Audiologists;
- (g) Behavioral health support specialists (BHSS);
- (h) Birth doulas;
- (i) Chiropractors;
- (~~(h)~~) (j) Dentists;
- (~~(i)~~) (k) Dental health aide therapists, as provided in chapter 70.350 RCW;

- (~~(j)~~) (l) Dental hygienists;
- (~~(k)~~) (m) Denturists;
- (~~(l)~~) (n) Dietitians or nutritionists;
- (~~(m)~~) (o) Hearing aid fitters/dispensers;
- (~~(n)~~) (p) Home health aide credentialed with DOH as nursing assistant certified or nursing assistant registered;
- (~~(o)~~) (q) Independent clinical social workers;
- (~~(p)~~) (r) Independent clinical social worker associates;
- (~~(q)~~) (s) Licensed practical nurse;
- (~~(r)~~) (t) Marriage and family therapists;
- (~~(s)~~) (u) Mental health counselors;
- (~~(t)~~) (v) Mental health counselor associates;
- (~~(u)~~) (w) Mental health care providers;
- (~~(v)~~) (x) Midwives;
- (~~(w)~~) (y) Naturopathic physicians;
- (~~(x)~~) (z) Nurse anesthetist;
- (~~(y)~~) (aa) Ocularists;
- (~~(z)~~) (bb) Occupational therapists;
- (~~(aa)~~) (cc) Ophthalmologists;
- (~~(bb)~~) (dd) Opticians;
- (~~(cc)~~) (ee) Optometrists;
- (~~(dd)~~) (ff) Orthodontists;
- (~~(ee)~~) (gg) Orthotist;
- (~~(ff)~~) (hh) Osteopathic physicians;
- (~~(gg)~~) (ii) Osteopathic physician assistants;
- (~~(hh)~~) (jj) Peer counselors;
- (~~(ii)~~) (kk) Podiatric physicians;
- (~~(jj)~~) (ll) Pharmacists;
- (~~(kk)~~) (mm) Physicians;
- (~~(ll)~~) (nn) Physician assistants;

~~((mm))~~ (oo) Physical therapists;
~~((nn))~~ (pp) Prosthetist;
~~((oo))~~ (qq) Psychiatrists;
~~((pp))~~ (rr) Psychologists;
~~((qq))~~ (ss) Radiologists;
~~((rr))~~ (tt) Registered nurse;
~~((ss))~~ (uu) Registered nurse delegators;
~~((tt))~~ (vv) Registered nurse first assistants;
~~((uu))~~ (ww) Respiratory therapists;
~~((vv))~~ (xx) Speech/language pathologists; and
~~((ww))~~ (yy) Substance use disorder professionals:
(i) Mental health providers; and
(ii) Peer counselors.
(2) Agencies, centers and facilities:
(a) Adult day health centers;
(b) Ambulance services (ground and air);
(c) Ambulatory surgery centers (medicare-certified);
(d) Birthing centers (licensed by the department of health);
(e) Cardiac diagnostic centers;
(f) Case management agencies;
(g) Substance use disorder treatment facilities certified by the department of health (DOH);
(h) Withdrawal management treatment facilities certified by DOH;
(i) Community AIDS services alternative agencies;
(j) Community behavioral health support services provider facilities;
(k) Community mental health centers;
(l) Diagnostic centers;
(m) Early and periodic screening, diagnosis, and treatment (EPSDT) clinics;
(n) Family planning clinics;
(o) Federally qualified health centers (designated by the federal department of health and human services);
(p) Genetic counseling agencies;
(q) Health departments;
(r) Health maintenance organization (HMO)/managed care organization (MCO);
(s) HIV/AIDS case management;
(t) Home health agencies;
(u) Hospice agencies;
(v) Hospitals;
(w) Indian health service facilities/tribal 638 facilities;
(x) Tribal or urban Indian clinics;
(y) Inpatient psychiatric facilities;
(z) Intermediate care facilities for individuals with intellectual disabilities (ICF-IID);
(aa) Kidney centers;
(bb) Laboratories (CLIA certified);
(cc) Maternity support services agencies; maternity case managers; infant case management, first steps providers;
(dd) Neuromuscular and neurodevelopmental centers;
(ee) Nurse services/delegation;
(ff) Nursing facilities (approved by the DSHS aging and long-term support administration);
(gg) Pathology laboratories;
(hh) Pharmacies;
(ii) Private duty nursing agencies;

- (jj) Radiology - Stand-alone clinics;
- (kk) Rural health clinics (medicare-certified);
- (ll) School districts and educational service districts; and
- (mm) Sleep study centers.
- (3) Suppliers of:
 - (a) Blood, blood products, and related services;
 - (b) Durable and nondurable medical equipment and supplies;
 - (c) Complex rehabilitation technologies;
 - (d) Infusion therapy equipment and supplies;
 - (e) Prosthetics/orthotics;
 - (f) Hearing aids; and
 - (g) Respiratory care, equipment, and supplies.
- (4) Contractors:
 - (a) Transportation brokers;
 - (b) Spoken language interpreter services agencies;
 - (c) Independent sign language interpreters; and
 - (d) Eyeglass and contact lens providers.