



PREPROPOSAL STATEMENT OF INQUIRY

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

Do **NOT** use for expedited rule making

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DATE: July 01, 2020

TIME: 9:46 AM

WSR 20-14-121

Agency: Department of Health

Subject of possible rule making: Chapter 246-341 WAC Behavioral Health Services Administrative Requirements. The Department of Health is considering updating the chapter of rules for Licensed and Certified Behavioral Health Agencies that will include: (1) changes to reflect legislation; (2) changes related to federal requirements; (3) requests from partners and stakeholders for clarification, and areas of clean up that have been identified since the department began regulating behavioral health agencies in 2018.

Statutes authorizing the agency to adopt rules on this subject: RCW 71.24.037, ESHB 1768 (Chapter 444, Laws of 2019), and RCW 71.24.585 as amended by SSB 5380 (chapter 314, laws of 2019).

Reasons why rules on this subject may be needed and what they might accomplish: The Department of Health (department) is considering opening chapter 246-341 WAC to examine and revise the rules regulating licensure and certification of behavioral health services, implement changes enacted by the legislature, consider changes related to responding to a public health emergency, and incorporate recommendations of behavioral health partners and stakeholders for clarification.

The department is approaching the two year anniversary of assuming the authority for regulating behavioral health agencies. In this time, the department has become aware of a number of necessary and desirable changes that would bring these regulations up to date and in alignment with the mission of the department. The department has published several guidance and interpretive statements to temporarily address several of the necessary changes. The department would now like to work with stakeholders and partners to incorporate the statements into permanent rules, consider what changes might be made to the licensure and certification of services in behavioral health facilities, and to consider incorporating and implementing other recommendations and legislative directives.

An example of these considerations is addressing new RCW 18.205.160 created by ESHB 1768 (section 29, chapter 444, laws of 2019), which requires the department to amend WAC 246-341-0515 to reflect the new Co-occurring Disorder Specialist enhancement credential, as well as reflecting the new terminology for Substance Use Disorder Professional.

The department is also considering rule changes to incorporate the Special Terms and Conditions of the 1115 Medicaid Transformation Waiver signed by the Health Care Authority and the federal Centers for Medicare and Medicaid regarding medication assisted treatment and care coordination in agencies that provide residential substance use disorder services. The department previously considered making this change in chapter 246-337 WAC but has concluded that this rule change is more appropriate for chapter 246-341 WAC and is withdrawing the Preproposal Statement of Inquiry filed as WSR 20-07-096.

Identify other federal and state agencies that regulate this subject and the process coordinating the rule with these agencies: Health Care Authority, Department of Social and Health Services, Department of Children, Youth, and Families, Centers for Medicare/Medicaid Services, and others. The department plans to work closely with our partners and sister agencies to coordinate the revision of this rule.

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

- Negotiated rule making
- Pilot rule making
- Agency study
- Other (describe) Collaborative rule-making.


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

(If necessary)

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Additional comments: Interested parties can participate in the drafting of the proposed rules. The department will be conducting a series of rules workshops. The department will use existing GovDelivery lists and other known contact information to inform stakeholders of opportunities to provide input on proposed rule language. To find out more information about our rulemaking, visit doh.wa.gov/BHA and to be included on an interested parties select the "Subscribe" button at the bottom of that page.

Date: 06/30/2020	Signature: 
Name: Jessica Todorovich for John Wiesman, DrPH, MPH	
Title: Chief of Staff for Secretary of Health	