



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: June 24, 2021

TIME: 9:45 AM

WSR 21-14-010

Agency: Department of Health

Subject of possible rule making: Chapter 246-341 WAC Behavioral Health Agency Licensing and Certification Requirements. The Department of Health (department) is considering updating the chapter of rules for Licensed and Certified Behavioral Health Agencies as the next step in a multi-phase plan to modernize licensing and certification requirements in order to increase access to safe, quality behavioral health care. This project aims to do this by focusing on: (1) streamlining and restructuring the number and types of certifications; (2) improving the ability for behavioral health agencies to deliver services across the continuum of care; and (3) clarifying the department's regulatory oversight.

Statutes authorizing the agency to adopt rules on this subject: RCW 71.34.037

Reasons why rules on this subject may be needed and what they might accomplish: This rule-making project is phase two of a multi-phase project to overhaul the licensing and certification rules for behavioral health agencies. The first phase focused on bringing the regulations up to date with recent legislation and addressing areas of clean up that had been identified since the department began regulating behavioral health agencies in 2018.

In phase two of this work, the areas that will be considered include:

1. Supporting a behavioral health agency's ability to provide services for co-occurring mental health and substance use disorders.
2. Improving the ability for an individual to have continuity as they transition through levels of care.
3. Scoping rules to align more closely with the specific rule-making authority in RCW 71.24.037.
4. Further examining specific topics identified during phase 1 such as deeming, telehealth, and applied behavioral analysis.
5. Implementing changes made by the 2021 Legislature.

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 other state 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:

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Other:	Other:

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 interested parties of opportunities to provide input on proposed rule language. To find out more information about our rulemaking and to be included on our interested parties distribution list, visit doh.wa.gov/BHA and select the "Subscribe" button at the bottom of that page.

Date: 06/23/2021

Name: Kristin Peterson, JD for Umair A. Shah, MD, MPH

Title: Deputy Secretary, Policy and Planning for Secretary of Health

Signature:

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