



# PROPOSED RULE MAKING

## CR-102 (June 2004)

(Implements RCW 34.05.320)

Do **NOT** use for expedited rule making

**Agency:** Department of Social and Health Services, Health and Recovery Services Administration

- Preproposal Statement of Inquiry was filed as WSR 07-12-061; or
- Expedited Rule Making--Proposed notice was filed as WSR \_\_\_\_\_; or
- Proposal is exempt under RCW 34.05.310(4).

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

**Title of rule and other identifying information:** (Describe Subject)

The department is creating WAC 388-501-0055, Healthcare Coverage – How the Department Determines Coverage of Services for its Healthcare Programs Using Health Technology Assessments

**Hearing location(s):**

Office Building 2 - Auditorium  
(DSHS Headquarters)  
1115 Washington  
Olympia, WA 98504  
Public parking at 11<sup>th</sup> and Jefferson. A map is available at:  
<http://www1.dshs.wa.gov/msa/rpau/RPAU-OB-2directions.html>  
or by calling 360-664-6094.

Date: **May 26, 2009** Time: **10:00 a.m.**

**Submit written comments to:**

Name: DSHS Rules Coordinator  
Address: PO Box 45850, Olympia WA, 98504-5850  
Delivery: 4500 – 10<sup>th</sup> Ave. SE, Lacey, Washington 98503  
E-mail: [DSHSRPAURulesCoordinator@dshs.wa.gov](mailto:DSHSRPAURulesCoordinator@dshs.wa.gov)  
Fax: (360) 664-6185

by  
**5 p.m. on May 26, 2009**

**Assistance for persons with disabilities:** Contact Jennisha Johnson, DSHS Rules Consultant by May 12, 2009

TTY (360) 664-6178 or (360) 664-6094 or  
by e-mail at [johnsjl4@dshs.wa.gov](mailto:johnsjl4@dshs.wa.gov)

**Date of intended adoption:** Not sooner than May 27, 2009  
(Note: This is **NOT** the **effective** date)

**Purpose of the proposal and its anticipated effects, including any changes in existing rules:**

To codify how health technology assessments are used in HRSA's determinations of what services are included in the benefit design of its medical assistance programs.

**Reasons supporting proposal:** It makes HRSA's determination process more transparent to the public.

**Statutory authority for adoption:** RCW 70.14.090 and 74.08.090

**Statute being implemented:** RCW 70.14.090 and 74.08.090

**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:

**DATE**

April 13, 2009

**NAME** (type or print)

Stephanie Schiller

**SIGNATURE**

**TITLE**

DSHS Rules Coordinator

**CODE REVISER USE ONLY**

OFFICE OF THE CODE REVISER  
STATE OF WASHINGTON  
FILED

DATE: April 15, 2009

TIME: 2:02 PM

**WSR 09-09-080**

Agency comments or recommendations, if any, as to statutory language, implementation, enforcement, and fiscal matters:  
None.

**Name of proponent:** (person or organization) Department of Social and Health Services

- Private  
 Public  
 Governmental

**Name of agency personnel responsible for:**

Name	Office Location	Phone
Drafting.....Kevin Sullivan	P.O. Box 45504, Olympia, WA 98504-5504	(360) 725-1344
Implementation....Gail Kreiger	P.O. Box 45506, Olympia, WA 98504-5506	(360) 725-1681
Enforcement.....Gail Kreiger	P.O. Box 45506, Olympia, WA 98504-5506	(360) 725-1681

**Has a small business economic impact statement been prepared under chapter 19.85 RCW?**

Yes. Attach copy of small business economic impact statement.

A copy of the statement may be obtained by contacting:

Name:

Address:

phone ( )

fax ( )

e-mail

No. Explain why no statement was prepared.

The proposed rule does not impose any new costs on small businesses.

**Is a cost-benefit analysis required under RCW 34.05.328?**

Yes A preliminary cost-benefit analysis may be obtained by contacting:

Name: Kevin Sullivan

Address: P.O. Box 45504

Olympia, WA 98504-5504

phone (360) 725-1344

fax (360) 586-9727

e-mail sullikm@dshs.wa.gov

No: Please explain:

NEW SECTION

**WAC 388-501-0055 Healthcare coverage--How the department determines coverage of services for its healthcare programs using health technology assessments.**

(1) The department uses health technology assessments in determining whether a new technology, new indication, or existing technology approved by the Food and Drug Administration (FDA) is a covered service under department healthcare programs. The department only uses health technology assessments when coverage is not mandated by federal or state law. A health technology assessment may be conducted by or on behalf of:

(a) The department; or  
(b) The health technology assessment clinical committee (HTACC) according to RCW 70.14.080 through 70.14.140.

(2) The department reviews available evidence relevant to a medical or dental service or healthcare-related equipment and uses a technology evaluation matrix, in order to:

(a) Determine its efficacy, effectiveness, and safety;  
(b) Determine its impact on health outcomes;  
(c) Identify indications for use;  
(d) Identify potential for client misuse or abuse; and  
(e) Compare to alternative technologies to assess benefit vs. harm and cost effectiveness.

(3) The department may determine the technology, device, or technology-related supply is:

(a) Covered (refer to WAC 388-501-0060);  
(b) Covered with authorization (refer to WAC 388-501-0165);  
(c) Covered with limitations (refer to WAC 388-501-0169); or  
(d) Noncovered (refer to WAC 388-501-0070).

(4) The department may periodically review existing technologies, devices, or technology-related supplies and reassign authorization requirements as necessary according to the same provisions as outlined above for new technologies, devices, or technology-related supplies.

(5) The department evaluates the evidence and criteria presented by HTACC to determine whether a service is covered in accordance with WAC 388-501-0050(6) and (7) and this section.