



# PREPROPOSAL STATEMENT OF INQUIRY

**CR-101 (June 2004)**  
(Implements RCW 34.05.310)  
Do **NOT** use for expedited rule making

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

**Subject of possible rule making:**

The department proposes to amend sections in chapter 388-877 WAC regarding the grievance system and the administrative hearing process, and other related rules as may be required.

**Statutes authorizing the agency to adopt rules on this subject:**

RCW 71.05.560, RCW 71.24.035(5)(c), RCW 71.24.520, and RCW 71.34.380

**Reasons why rules on this subject may be needed and what they might accomplish.**

The department is amending its current grievance system rules in chapter 388-877 WAC in order to align with the Centers for Medicare and Medicaid Services (CMS) revised rules in 42 CFR Parts 431, 433, 438, 440, 457, and 495 that govern the grievance and appeals system for Medicaid managed care. The proposed updated definitions, updated appeal timeframes, and alignment of certain processes for appeals and grievances will provide consumers with a more streamlined, manageable, and consumer-friendly grievance and appeals process, and will allow behavioral health agencies and behavioral health organizations to further align rules applicable to private health insurance and group health plans that apply across the market. Other related rules may be updated 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 Health Care Authority

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

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

DSHS welcomes the public to take part in developing the rules. Anyone interested should contact the staff person identified below. At a later date, DSHS will file a proposal with the Office of the Code Reviser with a notice of proposed rule making. A copy of the proposal will be sent to everyone on the mailing list and to anyone who requests a copy.

**How interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication:**

(List names, addresses, telephone, fax numbers, and e-mail of persons to contact; describe meetings, other exchanges of information, etc.) Contact:

Kathy Sayre, DBHR Rules Program Manager  
Division of Behavioral Health and Recovery  
PO Box 45330  
Olympia, WA 98504-5330  
email: kathy.sayre@dshs.wa.gov

Phone: (360) 725-1342

Fax: (360) 586-0341

TTY: 1-800-833-6384

**DATE**

December 6, 2016

**NAME (TYPE OR PRINT)**

Katherine Vasquez

**SIGNATURE**

**TITLE**

DSHS Rules Coordinator

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STATE OF WASHINGTON  
FILED

**DATE: December 06, 2016**

**TIME: 2:54 PM**

**WSR 16-24-075**