



# Section 2000

## Legal Authority

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**Alert!** Each section listed in this table of contents has been created with a built-in link to take you directly to it— simply hover over the line item and Ctrl and Click to go directly to the page.

## 2100 Introduction

*This section continues to use a number of acronyms that are listed in the Appendices.*

The statutory authority for CYSHCN services is defined by the Revised Code of Washington (RCW). The RCW is intended to "embrace in a revised, consolidated, and codified form and arrangement all the laws of the state of a general and permanent nature." RCW 43.20A.635 pertains to services for children with disabilities is directly quoted in Section 2200 below.

The Washington Administrative Code (WAC) provides agency rules for implementing state law as defined in the RCW. The sections pertaining to the Department of Health, Children and Youth with Special Health Care Needs Program, are from the 1999 WAC Chapter 246-710, and quoted in section 2300 below. These WAC amendments brought the rules into compliance with current program operations and did not add any new requirements.

## 2200 RCW 43.20A.635: Services for Children with Disabilities.

It shall be the duty of the secretary of social and health services and he shall have the power to establish and administer a program of services for children who are crippled or who are suffering from physical conditions which lead to crippling, which shall provide for developing, extending, and improving services for locating such children, and for providing for medical, surgical, corrective, and other services and care, and facilities for diagnosis, hospitalization, and after care; to supervise the administration of those services, included in the program, which are not administered directly by it; to extend and improve any such services, including those in existence on April 1, 1941; to cooperate with medical, health, nursing, and welfare groups and organizations, and with any agency of the state charged with the administration of laws providing for vocational rehabilitation of physically handicapped children; to cooperate with the federal government, through its appropriate agency or instrumentality in developing, extending, and improving such services; and to receive and expend all funds made available to the department by the federal government, the state or its political subdivisions, or from other sources, for such purposes. [1979 c 141 ~ 52; 1965 c 8 ~ 43.20.130. Prior: 1941 c 129 ~ 1; Rem. Supp. 1941 ~ 9992-107a; prior: 1937 c 114 ~ 7. Formerly RCW 74.12.210; 43.20.130.]

**NOTE: This RCW refers to the Department of Social and Health Services. We are currently working with the WA State Board of Health and the Department of Health's policy staff to get technical correction of the RCW to reflect DOH language and update this RCW.**

## 2300 CYSHCN WAC Rules Currently in Effect

### 2310 Declaration of Purpose (WAC 246-710-001)

The following rules implement [RCW 43.20.140](#) and [Chapter 43.70 RCW](#). The state board of health may develop rules that are necessary to implement [RCW 43.20A.635](#) authorizing the secretary of the department of health to administer a program of services for children and youth with special health care needs. The purpose of the CYSHCN Program is to develop, extend, and improve services and service systems for locating, diagnosing, and treating children and youth with special health care needs within available resources.

## 2320 Definitions (WAC 246-710-010)

1. "Client" means an individual with special health care needs, seventeen years of age or younger, who is being served by a local CYSHCN agency.
2. "Children and youth with special health care needs" means children with disabilities or handicapping conditions; chronic illnesses or conditions; health related educational or behavioral problems; or children at risk of developing such disabilities, conditions, illnesses or problems.
3. "CYSHCN" means the children and youth with special health care needs program.
4. "Department" means department of health.
5. "Local CYSHCN agency" means the local health jurisdiction or other agency locally administering the CYSHCN program for the county where the client resides in the state of WA.
6. "Service systems" means community-based systems of services such as primary and specialty medical services, early intervention, special education, and social and family support services for children and youth with special health care needs and their families.
7. "Services" means health-related interventions, including early identification, care coordination, medical, surgical and rehabilitation care, and equipment provided in hospitals, clinics, offices, and homes by local CYSHCN agencies, physicians and other health care providers.

## 2330 Program Limitations (WAC 246-710-030)

1. The department may reduce the scope of CYSHCN services and impose or revise funding limitations on certain services when required for budgetary reasons to accommodate available funding.
2. Financial eligibility for a client must be determined annually when health-related services and equipment are paid for with CYSHCN funds. Financial eligibility will be determined according to national standards of living for low-income families such as federal poverty levels or state median income adjusted for family size. Financial eligibility is not entitlement to CYSHCN services.

## 2340 Authorization of Services (WAC 246-710-050)

Authorization for services paid for with CYSHCN funds will be accomplished in accordance with the following:

1. Financial eligibility for a client has been determined.
2. A request for services to be paid for with CYSHCN funds has been reviewed for consistency with program directions. Services must be recognized as an acceptable form of treatment by a significant portion of the professional community.
3. No services will be authorized for out-of-state providers if an equivalent service is available within the state of Washington. However, use of resources in bordering states will be authorized when appropriate.

## 2350 Qualifications of Hospitals and Providers (WAC 246-710-060)

Providers of services paid for with CYSHCN funds must meet the following minimum qualifications:

1. Hospitals will be:
  - (a) Accredited by the joint commission on the accreditation of health care organizations; and
  - (b) Licensed in the state where the hospital is located.
2. Physicians will be:
  - (a) Licensed to practice medicine in WA, or other state where they practice; and
  - (b) Board-certified or board-eligible by the appropriate specialty board.
3. Providers other than physicians will be:
  - (a) Licensed or certified in WA or in the state where they practice; or
  - (b) Accredited by the appropriate national professional organization when there is no state licensure or certification process.

## 2360 Fees and Payments (WAC 246-710-070)

1. Payments to providers of services using CYSHCN funds will be made using the current CYSHCN standards and payment schedules, including the WA State Health Care Authority (HCA) – Medicaid Program fee schedule and the CYSHCN supplemental fee schedule.
2. A provider will accept the fees paid under this section as full payment for services rendered.

## 2370 Third-Party Resources (WAC 246-710-080)

CYSHCN is a secondary payer to all private and other public funded health programs. The department may pay for services with CYSHCN funds only after payment by all entitlement programs and by all other private and public funding resources, except where prohibited by federal law.

## 2380 Repayment (WAC 246-710-090)

Repayment to the department from the provider, family or other source is required should insurance benefits, trusts, court-awarded damages or like funds become available, and where payments have been made to the family or provider for services paid for by CYSHCN.

**NOTE: We are currently working with the WA State Board of Health and the Department of Health's policy staff to get technical correction of the RCW as well as updating the WAC to reflect current practice.**