

ATTN: All Medicaid providers

The following news release was distributed to the media this afternoon. November 10, 2011
NR 011-025 Washington State Medicaid lifts three-visit limit on non-emergency use of emergency rooms
OLYMPIA – Health Care Authority Director Doug Porter said he is lifting a month-old three-visit limit on non-emergency use of hospital emergency rooms after a Thurston County Superior Court judge held the state did not follow proper rule-making procedures in establishing the limit. Medicaid began notifying providers immediately after the ruling that HCA’s emergency amendment to WAC 182-550-1200 establishing the three visit emergency room limitation was invalid due to an improper use of the Administrative Procedure Act’s emergency rule process. Judge Paula Casey’s decision was based on the technical aspects of rule-making, not the three-visit limit itself. The three-visit limit was ordered as part of the Medicaid budget for the current biennium. It was expected to save more than \$30 million in state funding over the period from October 1, 2011, to June 30, 2013. Ninety-seven percent of the state’s Medicaid clients do not exceed three emergency room visits in the course of an average year. Non-emergency use includes visits that would be better directed to primary care or chronic care providers. A small but expensive group of clients run up large numbers of visits per year, some exceeding 100, usually in search of pain medication such as opioids. Porter said he had ordered his staff to revisit rulemaking procedures involved in the judge’s order and to correct the deficiencies. “We remain under a legislative mandate to implement this limit and contribute savings to help relieve the state’s extreme financial crisis,” he said.

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