



# 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: December 18, 2019

TIME: 4:02 PM

WSR 20-02-008

**Agency:** Department of Health

**Subject of possible rule making:** Chapter 246-310 WAC Certificate of Need. The Department of Health (department) is considering amending, creating, and repealing rules in order to clarify, streamline, and modernize language including need methodologies.

**Statutes authorizing the agency to adopt rules on this subject:** RCW 70.38.115, 70.38.135, and 43.70.040

**Reasons why rules on this subject may be needed and what they might accomplish:** The department is considering amending, creating, and repealing Certificate of Need (CN) rules in chapter 246-310 WAC to clarify, streamline, develop progressive enforcement tools, and modernize language. The department is authorized and directed to implement the CN program in this state under chapter 70.38 RCW. This review will include examining general and specific facility type need methodologies. Updates to rules will take into account incorporating national optimal approaches, providing clear and consistent guidance, and reducing litigation. As part of the rulemaking process, the department will consider the rulemaking topics in recently withdrawn Preproposals (CR-101's) as well as recent petitions regarding updates to need methodologies.

**Identify other federal and state agencies that regulate this subject and the process coordinating the rule with these agencies:** The Department of Social and Health Services (DSHS) and the Health Care Authority (HCA) are involved in Medicare and Medicaid billing and reimbursement issues for certain CN approved facilities. The department will coordinate with DSHS and HCA as appropriate.

**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:

**Additional comments:** The department will be conducting rule workshops. Interested parties can participate in the drafting of the proposed rules. The department will use existing GovDelivery lists to inform stakeholders of opportunities to provide input on proposed rule language. Interested parties can join the GovDelivery list to get information on participating in the process by subscribing at: <https://public.govdelivery.com/accounts/WADOH/subscriber/new>

<b>Date:</b> 12/18/2019	<b>Signature:</b> 
<b>Name:</b> John Wiesman, DrPH, MPH	
<b>Title:</b> Secretary of Health	