



ACUTE CARE HOSPITAL RULEMAKING TO IMPLEMENT 2SHB 1148

Office of Community Health Systems
Facilities Program

We're glad you're here!



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Agenda

- Background
- Review and revise draft language
- Determine next steps

Background

- Seattle Times Expose in 2018
- Psychiatric Hospital Enforcement Bill (SHB 2426, 2020)
 - New enforcement tools
 - Fining for repeat violations
 - Enhanced technical assistance
- Acute Care Hospital Enforcement Bill (2SHB 1148, 2021)
 - New enforcement tools
 - Fining for repeat violations
 - Consider size of hospital

2SHB 1148

- Aims to improve patient safety in acute care hospitals by improving enforcement of licensing standards.
- Directs the department to use additional enforcement tools including limited stop placements and suspension of new admissions.

*Rulemaking not necessary to implement these pieces

Section 3 of 2SHB 1148

- The department may assess a civil fine of up to ten thousand dollars per violation, not to exceed a total fine of one million dollars when the department determines: (1) The hospital has previously been subject to an enforcement action for the same or similar type of violation of the same statute or rule; or (2) The hospital has been given any previous statement of deficiency that included the same or similar type of violation of the same or similar statute or rule; or (3) The hospital failed to correct noncompliance with a statute or rule by a date established or agreed to by the department.
- **The department shall adopt in rules** under this chapter specific fine amounts in relation to:
 - (A) The severity of the noncompliance and at an adequate level to be a deterrent to future noncompliance; and
 - (B) The number of licensed beds and the operation size of the hospital...

Other things to keep in mind

- Fines are only for repeat violations
- Hospitals have appeal rights
- The department hopes no hospital will be fined
- The intent is patient safety and quality care

Discussion time!



A Few Questions

1. When does DOH anticipate implementing the Administrative Penalties (APs) once the comment period is over and the rule is final?
2. Is there a possibility that the rule will not become final and not be implemented?
3. Will the rule be suspended during the Public Health Emergency?
4. Will the “repeated violations” clock start fresh with the new rule? If not, how far back will DOH look for repeated citations?
5. Will the basis for new APs begin with implementation of the new rule or will it be retrospective for a period of time, 3 years for example?
6. Aside from what is demonstrated on the matrix, will there be additional penalties for *immediate jeopardy* findings?
7. Will hospital providers’ licenses be sanctioned, other than the APs, for the number of citations received?
8. For hospitals that are a part of a multihospital system, do the citations observed at a specific hospital (CCN) apply to the system or only to the individual hospital?

Next Steps

- Finalize draft language
- File CR-102 and hold public hearing
- File CR-103 and rules go into effect 31 days later
 - Around May or June

Keep in touch!

Any ideas, concerns, questions...contact:

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