



PREPROPOSAL STATEMENT OF INQUIRY

CR-101 (October 2017) (Implements RCW 34.05.310)

Do NOT use for expedited rule making

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STATE OF WASHINGTON
FILED

DATE: July 24, 2023

TIME: 10:04 AM

WSR 23-16-038

Agency: Department of Health

Subject of possible rule making: Kidney disease treatment center temporary emergency exemptions. Chapter 246-310 WAC, Certificate of Need, Kidney disease treatment centers sections. The Department of Health (department) is considering creating a new section to implement Substitute Senate Bill (SSB) 5569 (chapter 48, Laws of 2023) that creates exemptions from certificate of need requirements for kidney disease centers due to a temporary emergency situation. The department is also considering amending kidney disease treatment center rules, WAC 246-310-800 through WAC 246-310-833, based upon the effects of creating a new exemption for kidney disease centers pursuant to SSB 5569.

Statutes authorizing the agency to adopt rules on this subject: SSB 5569 (chapter 48, Laws of 2023) and RCW 70.38.135.

Reasons why rules on this subject may be needed and what they might accomplish: SSB 5569 adds a new section to chapter 70.38 RCW, Health Planning and Development, which creates an exemption allowing kidney disease centers to exceed their authorized number of dialysis stations during a temporary emergency situation. SSB 5569 defines "temporary emergency situation", provides examples, and allows the department to identify additional "temporary emergency situations" by rule. The bill also directs how kidney disease centers can apply for exemptions and authorizes the department to adopt any rules necessary to implement the bill. The department is also considering updates to kidney disease center need methodologies and rules to reflect the impact of kidney disease centers exceeding their authorized number of kidney dialysis stations.

Identify other federal and state agencies that regulate this subject and the process coordinating the rule with these agencies: None

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

- Negotiated rule making
- Pilot rule making
- Agency study
- Other (Collaborative rulemaking)

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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(If necessary)

Name:

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Other:

Additional comments:

All rulemaking notices and rule workshop information is sent to interested parties using GovDelivery. To receive notices, interested persons may sign up by going to: <https://public.govdelivery.com/accounts/WADOH/subscriber/new>. After signing up, please click open the box labeled "Health Systems Quality Assurance." Next, click open the box labeled "Community Health Systems" and "Facilities Licensing and Certificate of Need" then check the box next "Certificate of Need". Information will also be posted on the website www.doh.wa.gov/licenses-permits-and-certificates/facilities-z/certificate-need

Date: 7/24/2023

Name: Kristin Peterson, JD for Umair A. Shah, MD, MPH

Title: Chief of Policy for Secretary of Health

Signature:

A handwritten signature in cursive script, appearing to read "Kristin Peterson".