



# RULE-MAKING ORDER EMERGENCY RULE ONLY

## CR-103E (December 2017) (Implements RCW 34.05.350 and 34.05.360)

CODE REVISER USE ONLY

OFFICE OF THE CODE REVISER  
STATE OF WASHINGTON  
FILED

DATE: December 22, 2023

TIME: 7:58 AM

WSR 24-02-023

**Agency:** Department of Health

**Effective date of rule:**

**Emergency Rules**

- Immediately upon filing.  
 Later (specify)

**Any other findings required by other provisions of law as precondition to adoption or effectiveness of rule?**

- Yes  No If Yes, explain:

**Purpose:** WA HEALTH reporting for acute care hospitals. New WAC 246-320-700, Reporting of health system readiness data. The Department of Health (department) is extending this emergency rule to continue to require acute care hospitals in Washington state, licensed under chapter 70.41 RCW, to report hospital maintenance and operation data to the department through Washington's Healthcare and Emergency and Logistics Tracking Hub (WA HEALTH) in accordance with the WA HEALTH User Guide. This 4th emergency rule continues the emergency rule originally filed on August 31, 2022, as WSR 22-18-060 and extended on:

- December 29, 2022, as WSR 23-02-036
- April 28, 2023, as WSR 23-10-047
- August 25, 2023, as WSR 23-18-015

**Citation of rules affected by this order:**

New: WAC 246-320-700  
Repealed: None  
Amended: None  
Suspended: None

**Statutory authority for adoption:** RCW 70.41.030

**Other authority:**

**EMERGENCY RULE**

Under RCW 34.05.350 the agency for good cause finds:

- That immediate adoption, amendment, or repeal of a rule is necessary for the preservation of the public health, safety, or general welfare, and that observing the time requirements of notice and opportunity to comment upon adoption of a permanent rule would be contrary to the public interest.
- That state or federal law or federal rule or a federal deadline for state receipt of federal funds requires immediate adoption of a rule.

**Reasons for this finding:**

WA HEALTH was created to provide decision-makers and leaders across the state with timely data and information to understand and respond to healthcare system impacts from coronavirus disease 2019 (COVID-19). WA HEALTH continues to be used daily for state and local public health and medical preparedness planning to inform planned patient movement, communicable respiratory hospitalizations and disease trends (COVID-19, influenza, and soon Respiratory Syncytial Virus (RSV)), and the ability of the system to absorb another healthcare surge, so patients have access to the appropriate level of healthcare across the state.

It is important to collect data in this system as Washington state prepares for a new influenza season, which may also be strained with surge capacity due to other diseases like RSV and COVID. The department assumes that all of these viruses may continue to impact our health system and bed capacity in the coming months. This reporting data is critical to keeping good situational awareness of the system's status and capacity. It also allows for coordinated preparedness planning and

more timely action when the next man-made, natural, or public health threat impacts this sector. Without it, we lose critical visibility and preparedness ability around these key data sets and sectors.

The adoption of this rule as an emergency rule is necessary to allow for the continuation of critical public health reporting. It continues to be essential to have state level awareness, monitoring and memorization of timely and accurate data pertaining to hospital patient volumes, capacities, and resource constraints as there continue to be a lack of surge capacity on Washington's healthcare system. The WA Health system helps to ensure continued health system readiness, promote safe and adequate care of individuals in hospitals, and mitigate the impact of current and emerging public health threats and associated surges.

On September 15, 2023, the department submitted a proposal and associated budget proviso, to the Office of Financial Management (OFM)s to build out automated data entry from the hospital's Electronic Medical Record (EHR) system to WA HEALTH to support near real-time bed capacity and tracking for hospitals. As of the date of this emergency rule filing, OFM is in the process of reviewing the submitted Proviso. Emergency rulemaking is being continued on the WA Health system during this proposal review as it may determine the scope of any permanent rulemaking that would supplant it. Permanent rulemaking will be considered pending the results of the OFM review.

**Note: If any category is left blank, it will be calculated as zero.  
No descriptive text.**

**Count by whole WAC sections only, from the WAC number through the history note.  
A section may be counted in more than one category.**

**The number of sections adopted in order to comply with:**

Federal statute:	New	<u>0</u>	Amended	<u>0</u>	Repealed	<u>0</u>
Federal rules or standards:	New	<u>0</u>	Amended	<u>0</u>	Repealed	<u>0</u>
Recently enacted state statutes:	New	<u>0</u>	Amended	<u>0</u>	Repealed	<u>0</u>

**The number of sections adopted at the request of a nongovernmental entity:**

New	<u>0</u>	Amended	<u>0</u>	Repealed	<u>0</u>
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**The number of sections adopted on the agency's own initiative:**

New	<u>1</u>	Amended	<u>0</u>	Repealed	<u>0</u>
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**The number of sections adopted in order to clarify, streamline, or reform agency procedures:**

New	<u>0</u>	Amended	<u>0</u>	Repealed	<u>0</u>
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**The number of sections adopted using:**

Negotiated rule making:	New	<u>0</u>	Amended	<u>0</u>	Repealed	<u>0</u>
Pilot rule making:	New	<u>0</u>	Amended	<u>0</u>	Repealed	<u>0</u>
Other alternative rule making:	New	<u>1</u>	Amended	<u>0</u>	Repealed	<u>0</u>

**Date Adopted:** 12/22/2023

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

**Title:** Chief of Policy for Secretary of Health

**Signature:**



NEW SECTION

**WAC 246-320-700 Reporting of health system readiness data.** The purpose of this section is to outline each hospital's responsibility for reporting to the department data pertaining to the maintenance and operation of the hospital in support of health system readiness.

(1) For the purposes of this section:

"WA HEALTH User Guide" means the written instructions issued by the department for reporting to the department hospital maintenance and operation data pertaining to health system readiness.

(2) Hospitals must report data to the department in accordance with the WA HEALTH User Guide, including any amended versions thereof issued by the department. Copies of the WA HEALTH User Guide may be obtained on the department's website or by contacting the department.

(3) Any person who receives data reported under this section must maintain confidentiality of the data as required by applicable law.