



PREPROPOSAL STATEMENT OF INQUIRY

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

Do **NOT** use for expedited rule making

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FILED

DATE: January 16, 2024

TIME: 4:49 PM

WSR 24-03-083

Agency: Department of Health

Subject of possible rule making: Adult elective Percutaneous Coronary Intervention (PCI) certificate of need (CN) requirements, WAC 246-310-700 through 246-310-755. The Department of Health (department) is considering changes to requirements for adult elective PCI programs in response to rulemaking petitions.

In October 2023, the department received a petition for rulemaking to amend WAC 246-310-720 Hospital volume standards. WAC 246-310-720(1) requires hospitals with elective PCI programs to perform at least 200 adult PCIs per year by their third year. WAC 246-310-720(2) only allows new elective PCI programs to enter a planning area if there are unmet volumes sufficient to establish another program and all existing elective PCI programs meet the minimum volume standard. The petition requests amendment of WAC 246-310-720(2), to eliminate the requirement that existing PCI programs in the planning area must meet the minimum volume standard before a new elective PCI program may be approved.

In 2019, a separate rulemaking petition was approved by the department that also requested amendment of WAC 246-310-720, as well as WAC 246-310-745. The department opened the CN rule chapter to address the petition, as well as other changes to CN rules. Ultimately, the department determined addressing CN rule amendments by facility type would be preferable to addressing the entire chapter at once. This rulemaking project will consider both petition requests.

The department will consider amendments proposed in petitions to WAC 246-310-720 and WAC 246-310-745. The department will also consider amendments to other PCI rules, WAC 246-310-700 through WAC 246-310-755, as part of this rule project.

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

Reasons why rules on this subject may be needed and what they might accomplish: Pursuant to RCW 34.05.330(1), in response to a petition for rulemaking, an agency may deny the petition or initiate rulemaking proceedings. The department approved the rulemaking petition regarding WAC 246-310-720 and is initiating rulemaking in accordance with RCW 34.05.330(1) to consider the petitioner's requested amendments.

The department is electing to open WACs 246-310-700 to 246-310-755 to consider whether amendments to other PCI rules are needed.

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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| | Web site: |
| | 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: January 16, 2024

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

Title: Chief of Policy for Secretary of Health

Signature:

