

Workgroup Recommendation: Non-Numeric Need

(1) The Department recognizes that the forecasting methodology contained in WAC 246-310-745 may not fully quantify the need for, and benefit of, a specific elective PCI Program. The Department may grant certificate of need approval for new elective percutaneous coronary intervention programs in a planning area where the forecasting methodology does not identify numeric need. The Department may also grant a certificate of need in a concurrent or comparative review process to more programs than the forecasting methodology projects as needed.

(a) The Department will consider if the applicant meets the following criteria:

- (i) All applicable review criteria and standards with the exception of numeric need have been met;
- (ii) The applicant commits to serving Medicare and Medicaid patients;
- (iii) Approval under these non-numeric need will not cause existing CN-approved provider(s) to fall below 200 PCIs; and
- (iv) The applicant demonstrates the ability to address at least one of the following non-numeric criteria. Applicants must include empirical data that supports their non-numeric need application. This information must be publicly available and replicable. The non-numeric need criteria are:
 - (1) Demonstration an applicant's request would substantially improve access to communities with documented barriers to access and/or higher disease burdens which result in poorer cardiovascular health outcomes. These communities include low-income and uninsured populations, as well as demographics with higher rates of identifiable risk factors for cardiovascular disease. These measures would be compared to Statewide or National averages as appropriate.
 - (2) They have operated an emergent only program for a period of at least 5 years prior to July 1, 2025 and that the addition of elective volume will support quality, and stabilize staffing and/or retention of providers.
 - (3) Demonstration an applicant's request will improve cost-effectiveness, efficiency, and/or access at an affiliate PCI hospital. An affiliate PCI hospital is defined as a CN-approved PCI hospital that is owned and operated by the same health system as the applicant. The applicant and affiliate PCI hospital(s) must be located within the same planning area. The applicant must also demonstrate the annual planning area resident PCI volumes performed by the applicant and any affiliate PCI hospital(s) within the same planning area will be sufficient to allow both the applicant and its affiliate PCI hospital to each meet the minimum volume standard.

ADDITIONAL INSIGHTS

- Non-Numeric Need would serve to address access and health equity concerns
- Addresses the limitations of the need forecasting methodology by creating a path for approval of additional programs, while also preserving the current Planning Area definitions
- Anticipate only a very small handful of additional programs in the State would pursue a program on the basis of non-numeric need where they have been prevented for addressing access issues (~3-4 programs)
- Creates the flexibility to be able to approve more than one program in a Planning Area where applications may reflect numeric and non-numeric considerations.

WAC 246-310-750 Tie breaker overview

Summary Timeline

- 02-20-25: External Workgroup proposal to eliminate WAC 246-310-750
- 02-28-25: Department Workbook response “Reject proposal. Need a tiebreaker...” and proceeded to introduce alternative tiebreaker based on quality scores.
- 03-13-25: PCI Workshop #10 discussion
- 04-11-25: Department Workbook response keeping existing geographic-based tiebreaker measure.

Key Outstanding Issue

- Whether the Department will approve an applicant based on numeric need and one based on non-numeric need in the same concurrent review. The Department has indicated in past workshops it would not, but the external workgroup believes this ability to approve multiple applications within the same concurrent review is important and possible.

External Workgroup Proposal for PCI Workshop #11

- Keep existing geographic-based tiebreaker measure but specify process that enables the Department to approve an applicant based on numeric need and another applicant based on non-numeric need in the same concurrent review.

WAC 246-310-750 Tie breaker language

In situations where there are multiple applicants, if none of the applications have been deemed complete by the department before another application is received, the department shall review them concurrently. In such a situation, the department shall undertake the following steps:

1. Step 1: As part of the screening process, identify the applicant who would win the tiebreaker, as defined below, if all applicants are found to meet the four (4) Certificate of Need criteria: Need, Financial Feasibility, Structure and Process of Care; and Cost Containment.
2. Step 2: Allow applicant(s) who would not win the tiebreaker, as identified in Step 1, an opportunity to identify and explain which, if any, non-numeric need criteria it believes its project may qualify for;
3. Step 3: Allow each applicant the opportunity to provide public comments and rebuttal, as appropriate;
4. Step 4: Conformance Standard. During the ex parte review, review each applicant based on conformance to the 4 Certificate of Need Criteria identified above.

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WAC 246-310-750 Tie breaker language continued

5. Step 5: Based on findings from Step 4, determine whether one or multiple applicants demonstrate they meet the Conformance Standard across all four Criteria listed in Step 1.
6. Step 6 Tiebreaker.
 - a. If under Step 5, a single applicant meets the Conformance Standard, that applicant shall be approved and any other applicant(s) denied.
 - b. If under Step 5, multiple applicants are found to meet the Conformance Standard, the applicant which provides the most improvement in geographic access shall be deemed the superior applicant, and be approved, based on this tiebreaker criterion. Geographic access means the facility that is located the farthest in statute miles from an existing facility authorized to provide PCI procedures; and
 - c. The department shall review the other applicant(s), identified from Step 6(b), to establish whether the applicant(s) may be approved based on demonstration of conformance to non-numeric need standards and criteria, as defined in these Rules, and if so, also be approved for elective PCI service.