



Concise Explanatory Statement for Residential Treatment Facilities (RTF), private psychiatric hospital, and behavioral health agency (BHA) as related to licensing fees of Indian health care providers as establishments.

To implement Substitute House Bill 2075 (chapter 204, Laws of 2024), the Department of Health (department) is adopting a new rule in chapter 246-337 WAC and a new rule in chapter 246-322 WAC to establish fees necessary for the department to receive and process an attestation that a tribal RTF or tribal private psychiatric hospital meets state minimum standards for licensure.

Additionally, the department is adopting updates to WAC 246-322-020 and 246-337-010 to clarify that the licensure process described in each section does not apply to tribes seeking licensure via attestation.

Finally, the department is adopting updates to WAC 246-341-0367 regarding BHA tribal attestation fees to align with the proposed RTF and private psychiatric hospital tribal attestation fees. These rules only apply to tribes attesting that a tribal BHA, tribal RTF, or tribal private psychiatric hospital meets state minimum standards for licensure.

The adopted rules will become effective June 15, 2025. The department received two comments regarding the proposed rules. The adopted rule language is not different from the proposed rules language as published in WSR 25-07-052 on March 12, 2025.

Question / Comment	Department response
The department received one comment in writing requesting clarification as to how the department intends to account for inflation and how it proposes to initiate any future fee increase.	Any fee changes would be accomplished through the rulemaking process. Additionally, tribes would be notified and invited to participate as part of the rulemaking process. Licensure for behavioral health facilities is optional for tribes. Attestation is a process a tribe can use if they choose to get a license through the department.
The department received one question at the rules hearing requesting clarification of the proposed changes.	The department explained that the rules are implementing a legislative bill allowing tribes to get licensed by attestation for residential treatment facilities and psychiatric hospitals. The rulemaking sets the licensing fees for processing and issuing the license.