



PREPROPOSAL STATEMENT OF INQUIRY

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

Do **NOT** use for expedited rule making

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DATE: August 18, 2025

TIME: 2:44 PM

WSR 25-17-068

Agency: Department of Health

Subject of possible rule making: Uniform Facility Enforcement Framework (UFEF) and background check standardization for Ambulatory Surgical Facilities (ASF), In-Home Services agencies (IHS), Residential Treatment Facilities (RTF), and Behavioral Health Agencies (BHA).

The Department of Health (department) is considering amending rules and establishing new sections in chapters 246-330, 246-335, 246-337, and 246-341 WAC to implement a uniform enforcement tool as provided by Engrossed Substitute Senate Bill (ESSB) 5271 (chapter 121, Laws of 2024). The department will also consider standardizing background check requirements for these facility types. Other amendments to these chapters to implement ESSB 5271 may also be considered.

Statutes authorizing the agency to adopt rules on this subject: RCW 70.127.120, 70.127.165, 70.230.020, 70.230.070, 71.12.670, 71.12.710, 71.24.037, 71.24.038, and Engrossed Substitute Senate Bill (ESSB) 5271 (chapter 121, Laws of 2024)

Reasons why rules on this subject may be needed and what they might accomplish: The Washington State Legislature passed ESSB 5271 in 2024 with the intent of establishing uniform enforcement tools to protect patients in facilities regulated by the department. This includes ASF, IHS, RTF, and BHA. The bill specifies the maximum civil fine per violation that the department may assess on a facility that has been either subject to enforcement action, a previous statement of deficiency, or failed to correct noncompliance for the same or similar type of violation. The bill requires the department to adopt rules to establish specific fine amounts in relation to the severity of noncompliance at an adequate level to deter future noncompliance.

The department will take the opportunity to review the current background check requirements of these facility types to consider a standardized process for the purpose of streamlining the licensing process and establishing consistent standards applicable to the facility type.

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 (describe) 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)

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Other:

Additional comments: Interested parties may participate in the development of draft rules prior to a formal proposal by joining the department's interested parties list (GovDelivery), attending workshops, and providing input on draft and proposed materials. To find out more information about our rulemaking and to be included on the interested parties list, please follow these steps: 1) Go to www.doh.wa.gov; 2) Click on the "Sign up for Updates from DOH" button on the bottom of the page; 3) Enter your contact information; 4) Click "Submit"; 5) Under the subscription topics, select the "In-Home Services," "Residential Treatment Facilities" and "Ambulatory Surgical Facilities" boxes under the "Health Systems Quality Assurance (HSQA)" and "Facilities Licensing and Certificate of Need" dropdowns; 6) Scroll to the bottom of the page and click "Submit."

Date: August 18, 2025

Name: Todd Mountin, PMP for Dennis E. Worsham

Title: Deputy Chief of Policy for Secretary of Health

Signature:

A handwritten signature in black ink, appearing to read "Todd Mountin", is written over a light gray rectangular background.