



# PREPROPOSAL STATEMENT OF INQUIRY

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

Do NOT use for expedited rule making

CODE REVISER USE ONLY

OFFICE OF THE CODE REVISER  
STATE OF WASHINGTON  
FILED

DATE: October 27, 2025

TIME: 10:24 AM

WSR 25-22-023

**Agency:** Department of Health

**Subject of possible rule making:** Establishing requirements for in-home kidney dialysis services within nursing homes under the Certificate of Need (CN) program. The Department of Health (department) is considering a new section of rules within chapter 246-310 WAC to establish requirements that would allow in-home dialysis services to be performed in nursing homes. The department will also consider other amendments to chapter 246-310 WAC for the purpose of establishing these new rules.

**Statutes authorizing the agency to adopt rules on this subject:** RCW 70.38.105, 70.38.115, and 70.38.135

**Reasons why rules on this subject may be needed and what they might accomplish:**

The CN program currently regulates nursing home beds and kidney disease treatment centers as separate facility types in chapter 246-310 WAC. Currently, there are no rules that outline the requirements for the establishment of in-home kidney dialysis services to be provided within nursing home facilities.

The department is considering rules on this subject because of substantial interest from the CN program and among providers and servicers in the dialysis and nursing home communities. Identifying new types of care modalities could increase access to care for nursing home residents in the state of Washington.

The CN rules currently in place create unintentional barriers for patients and for providers and services from delivering an integrated care model with dialysis services provided in nursing homes. These unintentional barriers impact patients access to critical services and can also lead to higher costs through increased transports and staffing requirements.

To expand access to care, the department is considering rules that would establish a clear regulatory framework that outlines requirements to allow in-home dialysis services be performed within a nursing home under the CN program. Having a clear regulatory framework around this modality of care would help increase access to care while also ensuring that the CN program maintains its responsibility to ensure a safe delivery of services to the residents of Washington.

The objective for considering these new rules is to identify and outline clear requirements that would efficiently and effectively regulate these types of services while also working to reduce barriers for both patients and providers. Considering these rules would work towards creating a clear CN pathway for providers and services who deliver care for this vulnerable population.

The department will also consider amendments to current rules only for the purpose of establishing these new rules.

**Identify other federal and state agencies that regulate this subject and the process coordinating the rule with these agencies:** The Washington State Department of Social and Health Services (DSHS) regulate the establishment of nursing homes under chapter 388-97 WAC. The department will invite DSHS staff to participate in this rule making.

**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:**

|                                                                                                                                                                                              |                |
|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------|
|                                                                                                                                                                                              | (If necessary) |
| Name: Eric Hernandez                                                                                                                                                                         | Name:          |
| Address: PO Box 47852, Olympia, WA 98504-7852                                                                                                                                                | Address:       |
| Phone: 360-236-2955                                                                                                                                                                          | Phone:         |
| Fax: None                                                                                                                                                                                    | Fax:           |
| TTY: 711                                                                                                                                                                                     | TTY:           |
| Email: <a href="mailto:cnrulemaking@doh.wa.gov">cnrulemaking@doh.wa.gov</a>                                                                                                                  | Email:         |
| Web site: <a href="http://www.doh.wa.gov/licenses-permits-and-certificates/facilities-z/certificate-need">www.doh.wa.gov/licenses-permits-and-certificates/facilities-z/certificate-need</a> | 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](http://www.doh.wa.gov/licenses-permits-and-certificates/facilities-z/certificate-need)

**Date:** October 27, 2025

**Name:** Kristin Peterson, JD for Dennis E. Worsham

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

**Signature:**

