



# RULE-MAKING ORDER PERMANENT RULE ONLY

## CR-103P (December 2017) (Implements RCW 34.05.360)

CODE REVISER USE ONLY

OFFICE OF THE CODE REVISER  
STATE OF WASHINGTON  
FILED

DATE: January 02, 2020  
TIME: 8:32 AM

WSR 20-02-116

**Agency:** Department of Health

**Effective date of rule:**

**Permanent Rules**

- 31 days after filing.
- Other (specify) 01/02/2020 (If less than 31 days after filing, a specific finding under RCW 34.05.380(3) is required and should be stated below)

**Any other findings required by other provisions of law as precondition to adoption or effectiveness of rule?**

Yes  No If Yes, explain: Changes to the definition in RCW 71.24.025(26)(c) of "licensed or certified behavioral health agency" becomes effective January 1, 2020 which allows the Department of Health (department) to issue a license to a tribe when the tribe attests to meeting state minimum standards for a licensed or certified behavioral health agency. In order to comply with the requirements of RCW 43.70.250, the department must "set [the] fee[s] for each program at a sufficient level to defray the costs of administering that program..." It is therefore necessary for the department to establish this fee in order to support the administrative work involved in receiving and recording these tribal attestations. The department is required to set in rule all fees associated with licensing according to RCW 43.70.250(2) and (3). The department participated in two consultations and workgroups with the American Indian Health Commission and tribes to discuss the attestation process, including the fee. This rulemaking action puts into rule the decisions made at the consultation regarding the fee. Because January 1, 2020 is a State holiday the rule will be effective the next business day, January 2, 2020, so the department may have the ability to produce a license for these attestations.

**Purpose:** WAC 246-341-0367 Agency licensure and certification--Fee requirements for tribal attestations. The department is adopting a new rule to establish fees necessary for the department to receive and process an attestation that a tribal Behavioral Health Agency meets state minimum standards for a licensed or certified behavioral health agency.

**Citation of rules affected by this order:**

New: WAC 246-341-0367  
 Repealed: None  
 Amended: None  
 Suspended: None

**Statutory authority for adoption:** RCW 43.70.250, RCW 43.70.280, and RCW 71.24.037

**Other authority:** RCW 71.24.025 as amended by E2SSB 5432 (chapter 325, laws of 2019)

**PERMANENT RULE (Including Expedited Rule Making)**

Adopted under notice filed as WSR 19-22-077 on 11/05/2019 (date).  
 Describe any changes other than editing from proposed to adopted version: There are no changes.

If a preliminary cost-benefit analysis was prepared under RCW 34.05.328, a final cost-benefit analysis is available by contacting:

Name:  
 Address:  
 Phone:  
 Fax:  
 TTY:  
 Email:  
 Web site:  
 Other:

**Note: If any category is left blank, it will be calculated as zero.  
No descriptive text.**

**Count by whole WAC sections only, from the WAC number through the history note.  
A section may be counted in more than one category.**

**The number of sections adopted in order to comply with:**

Federal statute:	New	<u>0</u>	Amended	<u>0</u>	Repealed	<u>0</u>
Federal rules or standards:	New	<u>0</u>	Amended	<u>0</u>	Repealed	<u>0</u>
Recently enacted state statutes:	New	<u>1</u>	Amended	<u>0</u>	Repealed	<u>0</u>

**The number of sections adopted at the request of a nongovernmental entity:**

New	<u>0</u>	Amended	<u>0</u>	Repealed	<u>0</u>
-----	----------	---------	----------	----------	----------

**The number of sections adopted in the agency's own initiative:**

New	<u>0</u>	Amended	<u>0</u>	Repealed	<u>0</u>
-----	----------	---------	----------	----------	----------

**The number of sections adopted in order to clarify, streamline, or reform agency procedures:**

New	<u>0</u>	Amended	<u>0</u>	Repealed	<u>0</u>
-----	----------	---------	----------	----------	----------

**The number of sections adopted using:**

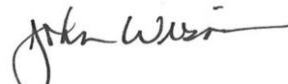
Negotiated rule making:	New	<u>0</u>	Amended	<u>0</u>	Repealed	<u>0</u>
Pilot rule making:	New	<u>0</u>	Amended	<u>0</u>	Repealed	<u>0</u>
Other alternative rule making:	New	<u>1</u>	Amended	<u>0</u>	Repealed	<u>0</u>

**Date Adopted:** 12/26/2019

**Name:** John Wiesman, DrPH, MPH

**Title:** Secretary of Health

**Signature:**



NEW SECTION

**WAC 246-341-0367 Agency licensure and certification—Fee requirements for tribal attestations.** (1) A tribe may attest that its behavioral health agency meets state minimum standards for a licensed or certified behavioral health agency, as described by the definition of "licensed or certified behavioral health agency" in RCW 71.24.025 (26) (c).

(2) A tribe that is pursuing attestation with the department must submit a two hundred sixty-one dollar administrative processing fee to the department for any new or renewed attestation.