



# 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: September 29, 2020

TIME: 2:58 PM

WSR 20-20-030

**Agency:** Department of Health

**Effective date of rule:**

**Permanent Rules**

- 31 days after filing.
- Other (specify) 11/01/2020 (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:

**Purpose:** WAC 246-338-990 Fees. The Department of Health (department) is raising fees for medical test sites. To address the rising costs of the medical test site program, address the negative cash flow, and build the recommended reserve, the department is raising medical test site licensing and renewal fees by 25 percent across all license categories effective November 1, 2020.

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

New: none  
 Repealed: none  
 Amended: WAC 246-338-990  
 Suspended: none

**Statutory authority for adoption:** RCW 43.70.250; RCW 70.42.090

**Other authority:**

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

Adopted under notice filed as WSR 20-14-106 on 06/30/2020 (date).  
 Describe any changes other than editing from proposed to adopted version: None.

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	Repealed	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	Repealed	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>0</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	Repealed	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	Repealed	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>1</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	Repealed	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>0</u>	Amended	<u>1</u>	Repealed	<u>0</u>

**Date Adopted:** 09/28/2020

**Name:** Jessica Todorovich for John Wiesman, DrPH, MPH

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

**Signature:**



AMENDATORY SECTION (Amending WSR 06-15-132, filed 7/19/06, effective 8/19/06)

**WAC 246-338-990 Fees.** (1) The department will assess and collect biennial fees for medical test sites as follows:

(a) Charge fees, based on the requirements authorized under RCW 70.42.090 and this section;

(b) Assess additional fees when changes listed in WAC 246-338-026 occur that require a different type of license than what the medical test site currently holds;

(c) Charge prorated fees for the remainder of the two-year cycle when the owner or applicant applies for an initial license during a biennium as defined under WAC 246-338-022 (2) (c);

(d) Charge prorated fees for licenses issued for less than a two-year period under WAC 246-338-024(3); and

(e) Determine fees according to criteria described in Table 990-1.

**Table 990-1 License Categories and Fees**

Category of License	Number of Tests/Year	Biennial Fee
Certificate of Waiver	N/A	\$((150)) <u>190</u>
PPMP	N/A	\$((200)) <u>250</u>
Low Volume	1-2,000 tests	\$((450)) <u>560</u>
Category A	2,001-10,000 tests, 1-3 specialties	\$((1,364)) <u>1,710</u>
Category B	2,001-10,000 tests, 4 or more specialties	\$((1,769)) <u>2,210</u>
Category C	10,001-25,000 tests, 1-3 specialties	\$((2,454)) <u>3,070</u>
Category D	10,001-25,000 tests, 4 or more specialties	\$((2,818)) <u>3,520</u>
Category E	25,001-50,000 tests	\$((3,382)) <u>4,230</u>
Category F	50,001-75,000 tests	\$((4,187)) <u>5,230</u>
Category G	75,001-100,000 tests	\$((4,991)) <u>6,240</u>
Category H	100,001-500,000 tests	\$((5,835)) <u>7,290</u>
Category I	500,001-1,000,000 tests	\$((10,369)) <u>12,960</u>
Category J	> 1,000,000 tests	\$((12,443)) <u>15,550</u>
Accredited:		
Low Volume	1-2,000 tests	\$((165)) <u>210</u>
Category A	2,001-10,000 tests, 1-3 specialties	\$((211)) <u>260</u>

**Table 990-1 License Categories and Fees**

<b>Category of License</b>	<b>Number of Tests/Year</b>	<b>Biennial Fee</b>
Category B	2,001-10,000 tests, 4 or more specialties	\$(( <del>231</del> )) <u>290</u>
Category C	10,001-25,000 tests, 1-3 specialties	\$(( <del>531</del> )) <u>660</u>
Category D	10,001-25,000 tests, 4 or more specialties	\$(( <del>559</del> )) <u>700</u>
Category E	25,001-50,000 tests	\$(( <del>787</del> )) <u>980</u>
Category F	50,001-75,000 tests	\$(( <del>1,254</del> )) <u>1,570</u>
Category G	75,001-100,000 tests	\$(( <del>1,722</del> )) <u>2,150</u>
Category H	100,001-500,000 tests	\$(( <del>2,227</del> )) <u>2,780</u>
Category I	500,001-1,000,000 tests	\$(( <del>6,428</del> )) <u>8,040</u>
Category J	> 1,000,000 tests	\$(( <del>8,168</del> )) <u>10,210</u>
Follow-up survey for deficiencies		Direct staff time
Complaint investigation		Direct staff time

(2) The following programs are excluded from fee charges when performing only waived hematocrit or hemoglobin testing for nutritional evaluation and food distribution purposes:

- (a) Women, infant and children programs (WIC); and
- (b) Washington state migrant council.