

**WAC 246-330-020 Department responsibilities—Licensing, change of ownership—Adjudicative proceeding.** This section outlines the actions and roles of the department for licensing an ambulatory surgical facility.

(1) For existing facilities currently doing business, that apply for a license prior to July 1, 2009, the department will verify compliance with chapter 70.230 RCW and this chapter before issuing an initial license by:

- (a) Receipt and approval of the initial license application;
- (b) Receipt of the correct licensing fee;
- (c) Receipt of a completed and accepted inspection conducted by:
  - (i) The Centers for Medicare and Medicaid Services;
  - (ii) The Joint Commission;
  - (iii) The Accreditation Association for Ambulatory Health Care;
  - (iv) The American Association for Accreditation of Ambulatory

Surgery Facilities; or

(d) For facilities that have not been inspected by medicare or one of the accrediting organizations listed in (c) of this subsection, the following:

(i) Receipt of a certificate of need, when needed, as provided in chapter 70.38 RCW;

(ii) Receipt of a certificate of occupancy by the local jurisdiction;

(iii) Receipt of the ambulatory surgical facility's safety and emergency training program; and

(iv) Successfully completing an on-site licensing inspection conducted by the department.

(2) Before issuing an initial license to a new facility that applies for a license after July 1, 2009, the department will verify compliance with chapter 70.230 RCW and this chapter including, but not limited to:

(a) Approval of construction documents in accordance with this chapter;

(b) Receipt of a certificate of need, when needed, as provided in chapter 70.38 RCW;

(c) Receipt and approval of the initial license application;

(d) Receipt of the correct license fee;

(e) Receipt of the ambulatory surgical facility's safety and emergency training program; and

(f) Receipt of a completed and accepted inspection conducted by:

(i) The Centers for Medicare and Medicaid Services;

(ii) The Joint Commission;

(iii) The Accreditation Association for Ambulatory Health Care;

(iv) The American Association for Accreditation of Ambulatory Surgery Facilities; or

(g) Successfully completing an on-site licensing inspection conducted by the department.

(3) Before reissuing a renewal license, the department will:

(a) Approve the amended ambulatory surgical facility application form; and

(b) Confirm receipt of the correct fee.

(4) Before issuing a change of ownership license, the department will:

(a) Approve the change of ownership application;

(b) Confirm receipt of the change of ownership fee; and

(c) Confirm the change of ownership will not alter the certificate of need status or require a certificate of need review.

(5) A change of ownership application does not require a construction review or on-site inspection. A change of ownership may or may not require a certificate of need review and approval per chapter 70.38 RCW.

(6) The department may issue a provisional license to allow the operation of an ambulatory surgical facility, if the department determines that the applicant or licensed ambulatory surgical facility failed to comply with chapter 70.230 RCW or this chapter.

(7) The department may deny, suspend, modify, or revoke a license when it finds an applicant or ambulatory surgical facility has failed or refused to comply with chapter 70.230 RCW or this chapter. The department's notice of a license denial, suspension, modification, or revocation will be consistent with RCW 43.70.115. The proceeding is governed by the Administrative Procedure Act chapter 34.05 RCW, this chapter, and chapter 246-10 WAC. An applicant or license holder has the right to an adjudicative proceeding to contest the decision as described in WAC 246-330-100 (4)(c) of this chapter.

[Statutory Authority: Chapter 70.230 RCW. WSR 09-09-032, § 246-330-020, filed 4/7/09, effective 5/8/09.]