

# Chapter 247-04 WAC

## DETERMINATION OF FACILITIES AS HEALTH CARE FACILITIES

**WAC**

247-04-010	Purpose.
247-04-020	Facilities which are health care facilities.
247-04-030	Facilities which may be health care facilities.
247-04-040	Factors to be considered in determining whether health care use is a principal use.

**WAC 247-04-010 Purpose.** The purpose of this chapter shall be to provide guidance regarding the determination of facilities as health care facilities as defined for purposes of chapter 70.37 RCW, and the resulting eligibility for authority financial assistance. If a facility owned or operated by a participant (as defined in RCW 70.37.020(4)) is determined to be a health care facility, it shall be eligible for financing provided by the authority. If a facility is determined not to be a health care facility, then the authority shall not provide financing for such facility. If a facility is used for both health care and nonhealth care uses, then only those portions of the facility which are determined to be health care facilities shall be eligible for financing provided by the authority.

[Statutory Authority: RCW 70.37.050. WSR 94-15-053, § 247-04-010, filed 7/15/94, effective 8/15/94.]

**WAC 247-04-020 Facilities which are health care facilities.** For the purposes of chapter 70.37 RCW, the term health care facility includes the following facilities which are constructed, purchased, acquired, leased, used, owned or operated by a participant (as defined in RCW 70.37.020(4)):

- (1) Hospices licensed under chapter 70.127 RCW;
- (2) Hospitals licensed under chapter 70.41 RCW;
- (3) Rural health facilities as defined in RCW 70.175.020;
- (4) Psychiatric hospitals licensed under chapter 71.12 RCW;
- (5) Nursing homes licensed under chapter 18.51 RCW (excluding any facility maintained by a participant as an independent nursing home);
- (6) Community mental health centers licensed under chapter 71.05 or 71.24 RCW;
- (7) Kidney disease treatment centers licensed under chapter 70.41 RCW;
- (8) Ambulatory diagnostic, treatment or surgical facilities licensed under chapter 70.41 RCW;
- (9) Drug and alcohol treatment facilities licensed under chapter 70.96A RCW;
- (10) Home health agencies licensed under chapter 70.127 RCW;
- (11) Abortion clinics;
- (12) Acupuncture clinics;
- (13) Asthma and allergy clinics;
- (14) Birthing centers;
- (15) Blood banks and blood centers;
- (16) Children's clinics or hospitals;
- (17) Chiropractic clinics;

(7/15/94)

- (18) Community health clinics or centers;
- (19) Comprehensive cancer centers;
- (20) Comprehensive community health centers;
- (21) Cosmetic surgery clinics;
- (22) Dental clinics;
- (23) Emergency hospitals;
- (24) Evaluation and treatment facilities for mentally ill persons;
- (25) Extended care facilities;
- (26) Eye banks;
- (27) Fertility clinics;
- (28) Foot and ankle clinics;
- (29) Freestanding ambulatory surgery centers;
- (30) Health maintenance organizations;
- (31) Homeopathic clinics;
- (32) Hypnotherapy centers;
- (33) Medical test sites;
- (34) Mental health clinics or centers;
- (35) Naturopathic clinics;
- (36) Optometry clinics;
- (37) Orthopedic clinics;
- (38) Osteopathic clinics;
- (39) Physical therapy clinics or centers;
- (40) Prosthetic and orthotic clinics;
- (41) Psychiatric clinics;
- (42) Skilled nursing facilities;
- (43) Sports medicine clinics; and
- (44) Women's health care clinics.

[Statutory Authority: RCW 70.37.050. WSR 94-15-053, § 247-04-020, filed 7/15/94, effective 8/15/94.]

**WAC 247-04-030 Facilities which may be health care facilities.** (1) Upon investigation, at the request of a participant, the authority may determine other facilities (including land, structures, systems, machinery, equipment or other real or personal property or appurtenances useful for or associated with the delivery of inpatient or outpatient health care service or support for such care or any combination thereof) to be health care facilities for purposes of chapter 70.37 RCW, to the extent that the participant intends such health care activities to be a principal use of such facility. Such facilities may include the following, among others:

- (a) Adult day care centers;
- (b) Counseling centers;
- (c) Family planning centers;
- (d) Group care facilities for children with disabilities;
- (e) Juvenile evaluation and treatment facilities;
- (f) Occupational health clinics;
- (g) Rehabilitation centers;
- (h) Speech and hearing clinics; and
- (i) Training centers for persons with developmental disabilities.

(2) A determination that a facility is a health care facility shall be based on both actual and intended use, as expressed by the participant in its request to the authority for such determination and other supporting documentation, including information responsive to the factors described in WAC 247-04-040 below and as may be required by executive director.

[Statutory Authority: RCW 70.37.050. WSR 94-15-053, § 247-04-030, filed 7/15/94, effective 8/15/94.]

**WAC 247-04-040 Factors to be considered in determining whether health care use is a principal use.** (1) For purposes of this chapter, a use or intended use of a participant's facility, or portion thereof, shall be a principal use only if it is one that will utilize more than 10% of a facility.

(2) The authority may consider the following factors, among others, in determining whether a health care use is a principal use of a facility:

(a) The relative amounts of land or space in structures or improvements to be utilized for health care and nonhealth care uses;

(b) The relative fair market or rental value of facilities to be utilized for health care and nonhealth care uses; and

(c) The relative amounts of time a particular facility is utilized for health care and nonhealth care uses.

(3) Portions of a mixed-use facility that are common areas (such as hallways, lobby and reception areas and administrative offices) may be allocated between health care and nonhealth care uses on a **pro rata** basis using the same method of allocation used to allocate between health care and nonhealth care uses.

[Statutory Authority: RCW 70.37.050. WSR 94-15-053, § 247-04-040, filed 7/15/94, effective 8/15/94.]