

WAC 246-310-570 Circumstances for which an amended certificate of need is required.

(1) An amended certificate of need shall be required for any of the following modifications of a project for which a certificate of need was issued and has been submitted in accordance with subsection (2) of this section:

- (a) An addition of a new service;
- (b) An expansion of a service beyond that which was included in the certificate of need application on which the issuance of the certificate of need was based;
- (c) An increase in the inpatient bed capacity;
- (d) The modification or release of a condition placed on a certificate of need;
- (e) A significant reduction in the scope of a project for which a certificate of need has been issued without a commensurate reduction in the cost of the project, or the project cost increases (as represented in bids on a construction project or final cost estimate or estimates acceptable to the person to whom the certificate of need was issued) when the total of such increases exceeds twelve percent or fifty thousand dollars, whichever is greater, over the maximum capital expenditure specified by the secretary's designee in issuing the certificate of need: Provided however, That the review of such reductions or cost increases shall be restricted to the continued conformance of the project with the criteria contained in WAC 246-310-220 and 246-310-240; or
- (f) A change in the approved site.

(2) An application to amend a certificate of need shall be submitted and the certificate of need will be issued or denied prior to project completion except for projects involving construction. For projects involving construction, an amendment application may be submitted up to ninety days after project completion provided the applicant meets the following eligibility requirements:

(a) Eligibility requirements for a ninety-day extension to submit an application to amend a certificate of need.

(i) The applicant has submitted quarterly reports and updated the capital expenditures as required in WAC 246-310-590;

(ii) The quarterly progress reports identified that the actual construction costs had exceeded twelve percent or fifty thousand dollars (whichever is greater) of the approved capital expenditure; and

(iii) The department did not notify the applicant in writing that an amended certificate of need was needed.

(b) In the event the applicant has submitted quarterly progress reports as identified in (a)(i) of this subsection and the reports did not reflect that the actual construction costs had exceeded the approved capital expenditure, the applicant would only be eligible for a ninety-day extension if the applicant can document:

(i) All costs in excess of twelve percent or fifty thousand dollars (whichever is greater) of the approved capital expenditure were totally unforeseen as documented by a signed affidavit from the contractor; and

(ii) That all the excess costs were incurred after the submission of the last quarterly progress report preceding the projects' completion.

(3) An application for an amended certificate of need shall be submitted in accordance with the provisions of WAC 246-310-090.

(4) An application for an amended certificate of need may be reviewed under the expedited review process set forth in WAC 246-310-150.

(5) The department shall provide a written determination as to the requirement for an amended certificate of need within twenty-one days after receipt of a request for such determination.

[Statutory Authority: Chapter 70.38 RCW. WSR 96-24-052, § 246-310-570, filed 11/27/96, effective 12/28/96. Statutory Authority: RCW 70.38.135 and 70.38.919. WSR 92-02-018 (Order 224), § 246-310-570, filed 12/23/91, effective 1/23/92. Statutory Authority: RCW 43.70.040. WSR 91-02-049 (Order 121), recodified as § 246-310-570, filed 12/27/90, effective 1/31/91. Statutory Authority: RCW 70.38.135. WSR 86-06-030 (Order 2344), § 248-19-450, filed 2/28/86; WSR 81-09-012 (Order 210), § 248-19-450, filed 4/9/81, effective 5/20/81. Statutory Authority: Chapter 70.38 RCW. WSR 79-12-079 (Order 188), § 248-19-450, filed 11/30/79.]