

## WSR 22-18-060

## EMERGENCY RULES

## DEPARTMENT OF HEALTH

[Filed August 31, 2022, 3:19 p.m., effective August 31, 2022, 3:19 p.m.]

Effective Date of Rule: Immediately upon filing.

Purpose: WAC 246-320-700 Reporting of health system readiness data. The department of health (department) is adopting an emergency rule to create new WAC 246-320-700 to require acute care hospitals licensed under chapter 70.41 RCW to report hospital maintenance and operation data to the department through Washington's Healthcare and Emergency and Logistics Tracking Hub (WA HEALTH) in accordance with the WA HEALTH user guide. WA HEALTH is used daily to inform planned patient movement, COVID-19 hospitalization and disease trends, and supply needs across the state so patients have access to the appropriate level of health care.

Citation of Rules Affected by this Order: New WAC 246-320-700.

Statutory Authority for Adoption: RCW 70.41.030.

Under RCW 34.05.350 the agency for good cause finds that immediate adoption, amendment, or repeal of a rule is necessary for the preservation of the public health, safety, or general welfare, and that observing the time requirements of notice and opportunity to comment upon adoption of a permanent rule would be contrary to the public interest.

Reasons for this Finding: Governor Inslee's Proclamation 20-24.2, "Requirements for Non-Urgent Medical and Dental Procedures," requires hospitals to submit accurate and complete data, as required by any department guidelines, to the WA HEALTH reporting data system to allow for a statewide common operating perspective on resource availability. On July 29, 2022, the office of the governor announced the rescission of Proclamation 20-24.2, to become effective on October 27, 2022. This emergency rule is necessary to allow for the continuation of reporting of timely and accurate data pertaining to hospital's patient volumes, capacities and resource constraints, even after other emergency measures related to COVID-19 are lifted. This will ensure health system readiness, promote safe and adequate care of individuals in hospitals, and mitigate the impact of future COVID-19 surges or other emerging public health threats. The department plans to initiate a rule-making project in the fall to work with interested parties on consideration of adopting this requirement as a permanent rule.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 0, Repealed 0; or Recently Enacted State Statutes: New 0, Amended 0, Repealed 0.

Number of Sections Adopted at the Request of a Nongovernmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's own Initiative: New 1, Amended 0, Repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 0, Repealed 0.

Number of Sections Adopted using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 1, Amended 0, Repealed 0.

Date Adopted: August 31, 2022.

Todd Mountin, PMP  
Deputy Secretary of Operations  
for Umair A. Shah, MD, MPH

OTS-3921.2

NEW SECTION

**WAC 246-320-700 Reporting of health system readiness data.** The purpose of this section is to outline each hospital's responsibility for reporting to the department data pertaining to the maintenance and operation of the hospital in support of health system readiness.

(1) For the purposes of this section:

"WA HEALTH User Guide" means the written instructions issued by the department for reporting to the department hospital maintenance and operation data pertaining to health system readiness.

(2) Hospitals must report data to the department in accordance with the WA HEALTH User Guide, including any amended versions thereof issued by the department. Copies of the WA HEALTH User Guide may be obtained on the department's website or by contacting the department.

(3) Any person who receives data reported under this section must maintain confidentiality of the data as required by applicable law.

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