

WSR 24-16-059
PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF HEALTH
[Filed July 31, 2024, 7:56 a.m.]

Subject of Possible Rule Making: Hospital at-home services. The department of health (department) is considering rule making to establish standards for hospital at-home services and implement SHB 2295 (chapter 259, Laws of 2024). The department is considering amending WAC 246-320-010, 246-320-199, and creating a new section or sections in chapter 246-320 WAC to add hospital at-home services as a type of service that can be offered by hospitals, establish standards, and consider creating a fee to cover the costs of regulating the hospital at-home service.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 43.70.110, 43.70.250, 70.41.030, 70.41.100, and SHB 2295 (chapter 259, Laws of 2024).

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: In 2024, the legislature passed SHB 2295 which directs the department to conduct rule making to establish enforceable standards for hospital at-home services. Hospital at-home services were first provided during the coronavirus disease 2019 (COVID-19) pandemic to expand access and meet the demands for acute hospital beds. Hospitals have been permitted to treat some patients in their home with similar services that would be provided in the hospital, even after the COVID-19 emergency proclamations were rescinded, due to the department's regulatory flexibility and the health needs of Washingtonians. SHB 2295 directs the department to amend chapter 246-320 WAC to include hospital at-home services as a service that may be provided by hospitals so that the service type can be established in rule. The bill also directs the department to establish standards for the operation of a hospital at-home program and provides the secretary the authority to charge a fee to cover the costs associated with regulating the hospital at-home services. SHB 2295 requires that this rule making be completed by December 31, 2025. Rule making is the best approach because it establishes enforceable standards, clear expectations, and is a requirement of SHB 2295.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: The department will inform and align with the federal Centers for Medicaid and Medicare Services and the Washington state health care authority while drafting the hospital at-home rules. This will be accomplished through the department's ongoing involvement with these agencies for hospital at-home services.

Process for Developing New Rule: Collaborative rule making.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Tiffani Buck, P.O. Box 47850, Olympia, WA 98504-7850, phone 564-233-1121, TTY 711, email tiffani.buck@doh.wa.gov or ochsfacilities@doh.wa.gov, website doh.wa.gov.

Additional comments: Interested parties can participate in drafting the proposed rules. The department will conduct a series of rules workshops. Rule-making notices will be delivered via the GovDelivery acute care hospital interested parties list. To receive notices, interested persons may go to <https://public.govdelivery.com/accounts/WADOH/subscriber/new>. After signing in, please click open the box labeled "Health Systems Quality Assurance." Next, click open the box la-

beled "Facilities Licensing and Certificate of Need" and then check "Facilities" and "Hospitals." You may check other boxes next to one or more of the facilities or programs listed to receive information regarding those facilities and programs.

July 31, 2024
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Secretary