

WSR 24-20-032  
PREPROPOSAL STATEMENT OF INQUIRY  
DEPARTMENT OF HEALTH

[Filed September 23, 2024, 11:17 a.m.]

Subject of Possible Rule Making: Behavioral health agency (BHA) rules concerning reporting information about early release of individuals receiving substance use disorder (SUD) treatment. The department of health (department) is considering amending or potentially adding a new section to the BHA regulations in chapter 246-341 WAC to implement S2SSB 6228 (chapter 366, Laws of 2024), that requires BHAs to report specific data on individuals who are voluntarily or involuntarily released from treatment early.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 71.24.037 and 2SSB 6228 (chapter 366, Laws of 2024), codified as RCW 71.24.847.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The goal of 2SSB 6228 is to remove barriers that prevent individuals from completing SUD treatment. Such barriers include forced patient discharge and arbitrary insurance authorizations. To help accomplish this goal, the bill, among other things, directs the department to adopt rules requiring BHAs who provide SUD treatment to report each instance an individual is released prior to completion of the clinical determination of treatment. Among other things, BHA must report the circumstances that led to the early release, including if the early release was voluntary or involuntary, efforts made to avoid the early release, and efforts made to establish a safe discharge plan.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: None.

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 Dan Overton, P.O. Box 47843, Olympia, WA 98504-7843, phone 360-236-2953, TTY 711, email dan.overton@doh.wa.gov, website <https://doh.wa.gov/>.

Additional comments: Interested parties may participate in the development of draft rules prior to a formal proposal by joining the department's interested parties list (GovDelivery), attending workshops, and providing input on draft and proposed materials. To find out more about our rule making and to be included on the interested parties list, please follow these steps: (1) Go to [doh.wa.gov](https://doh.wa.gov/); (2) click on the "Sign up for Updates from DOH" button on the bottom of the page; (3) enter your contact information; (4) click "Submit"; (5) under the subscription topics, check the box that says "Behavioral Health Care Integration"; and (6) scroll to the bottom of the page and click "Submit."

September 23, 2024  
Kristin Peterson, JD  
Chief of Policy  
for Umair A. Shah, MD, MPH  
Secretary