

**WAC 246-310-806 Kidney disease treatment facilities—Concurrent review cycles.** The department will review kidney dialysis facility applications using the concurrent review cycles described in this section, unless the application was submitted as described in subsection (9) of this section. There are four concurrent review cycles each year.

(1) Applicants must submit applications for review according to the following table:

Concurrent Review Cycle	Letters of Intent Due	Application Submission Period			Department Action	Application Review Period		
		Receipt of Initial Application	End of Screening Period	Applicant Response		Public Comment Period (includes public hearing if requested)	Rebuttal Period	Exparte Period
Special Circumstances 1	First working day of <b>April</b> of each year.	First working day of <b>May</b> of each year.	<b>May 15</b> or the first working day thereafter.	<b>June 15</b> or the first working day thereafter.	<b>June 22</b> or the first working day thereafter.	<b>30-Day</b> Public comment period (including public hearing).  Begins <b>June 23</b> or the first working day thereafter.	<b>7-Day</b> Rebuttal period.  Applicant and affected party response to public comment.	<b>15-Day</b> Exparte period.  Department evaluation and decision.
Nonspecial Circumstance Cycle 1	First working day of <b>May</b> of each year.	First working day of <b>June</b> of each year.	Last working day of <b>June</b> .	Last working day of <b>July</b> .	<b>August 5</b> or the first working day thereafter.	<b>30-Day</b> Public comment period (including public hearing).  Begins <b>August 6</b> or the first working day thereafter.	<b>30-Day</b> Rebuttal period.  Applicant and affected party response to public comment.	<b>75-Day</b> Exparte period.  Department evaluation and decision.
Special Circumstances 2	First working day of <b>October</b> of each year.	First working day of <b>November</b> of each year.	<b>November 15</b> or the first working day thereafter.	<b>December 15</b> or the first working day thereafter.	<b>December 22</b> or the first working day thereafter.	<b>30-Day</b> Public comment period (including public hearing).  Begins <b>December 23</b> or the first working day thereafter.	<b>7-Day</b> Rebuttal period.  Applicant and affected party response to public comment.	<b>15-Day</b> Exparte period.  Department evaluation and decision.
Nonspecial Circumstances Cycle 2	First working day of <b>November</b> of each year.	First working day of <b>December</b> of each year.	Last working day of <b>December</b> .	Last working day of <b>January</b> .	<b>February 5</b> or the first working day thereafter.	<b>30-Day</b> Public comment period (including public hearing).  Begins <b>February 6</b> or the first working day thereafter.	<b>30-Day</b> Rebuttal period.  Applicant and affected party response to public comment.	<b>75-Day</b> Exparte period.  Department evaluation and decision.

(2) The department should complete a nonspecial circumstance concurrent review cycle within nine months, which begins the first day after letters of intent are due for that particular review cycle. The department should complete the regular review process within six months, which begins the first day after the letters of intent are due for that particular review cycle.

(3) The department will notify applicants fifteen days prior to the scheduled decision date if it is unable to meet the decision deadline on the applications. In that event, the department will establish and commit to a new decision date.

(4) When two or more applications are submitted for the same planning area, the department will first evaluate each application independently for meeting the applicable standards described in WAC 246-310-210, 246-310-220, 246-310-230, and 246-310-240. If two or more applications independently meet those four standards, the department will apply the superiority criteria in WAC 246-310-827 to determine the superior application under WAC 246-310-240(1).

(5) An applicant receiving points for the purposes of the superiority criteria under WAC 246-310-827 (3)(e), (f), or (g) may only apply for station need in one planning area per review cycle.

(6) An applicant receiving points for purposes of the superiority criteria under WAC 246-310-827 (3)(e), (f), or (g) must operate the newly awarded stations for a period of time long enough to have a full year of data reporting medicare cost report worksheets and a full year of data reporting the dialysis facility report prior to any future applications.

(7) The department will not accept new nonspecial circumstance applications for a planning area if there are any nonspecial circumstance applications for which the certificate of need program has not made a decision in that planning area filed under a previous concurrent review cycle. This restriction does not apply if the department has not made a decision on the pending applications within the review timelines of nine months for a concurrent review and six months for a regular review. This restriction also does not apply to special circumstance applications.

(8) The department may convert the review of a nonspecial circumstance application that was initially submitted under a concurrent review cycle to a regular review process if the department determines that the nonspecial circumstance application does not compete with another nonspecial circumstance application.

(9) Pending certificate of need applications. Kidney dialysis facility applications submitted prior to the effective date of these rules will be reviewed and action taken based on the rules that were in effect on the date the applications were received.

[Statutory Authority: RCW 70.38.135. WSR 17-04-062, § 246-310-806, filed 1/27/17, effective 1/1/18.]