

## WSR 22-05-047

## EXPEDITED RULES

## HEALTH CARE AUTHORITY

[Filed February 9, 2022, 7:18 a.m.]

Title of Rule and Other Identifying Information: WAC 182-550-4650 "Full cost" public hospital certified public expenditure (CPE) payment program.

Purpose of the Proposal and Its Anticipated Effects, Including Any Changes in Existing Rules: Correction of rule cross-reference.

Reasons Supporting Proposal: The agency is making a housekeeping change only. WAC 182-550-4650 (6)(a) contains a cross-reference to WAC 182-550-3830(6), which needs to be changed to RCW 74.09.5225.

Statutory Authority for Adoption: RCW 41.05.021, 41.05.160.

Statute Being Implemented: RCW 41.05.021, 41.05.160.

Rule is not necessitated by federal law, federal or state court decision.

Name of Proponent: Health care authority, governmental.

Name of Agency Personnel Responsible for Drafting: Melinda Froud, P.O. Box 42716, Olympia, WA 98504-2716, 360-725-1408; Implementation and Enforcement: Jessica Carrothers, P.O. Box 45500, Olympia, WA 98504-5500, 360-725-2130.

Agency Comments or Recommendations, if any, as to Statutory Language, Implementation, Enforcement, and Fiscal Matters: Not applicable.

This notice meets the following criteria to use the expedited adoption process for these rules:

Corrects typographical errors, make address or name changes, or clarify language of a rule without changing its effect.

## NOTICE

THIS RULE IS BEING PROPOSED UNDER AN EXPEDITED RULE-MAKING PROCESS THAT WILL ELIMINATE THE NEED FOR THE AGENCY TO HOLD PUBLIC HEARINGS, PREPARE A SMALL BUSINESS ECONOMIC IMPACT STATEMENT, OR PROVIDE RESPONSES TO THE CRITERIA FOR A SIGNIFICANT LEGISLATIVE RULE. IF YOU OBJECT TO THIS USE OF THE EXPEDITED RULE-MAKING PROCESS, YOU MUST EXPRESS YOUR OBJECTIONS IN WRITING AND THEY MUST BE SENT TO HCA Rules Coordinator, Health Care Authority, P.O. Box 42716, Olympia, WA 98504-2716, phone 360-725-1306, fax 360-586-9272, email arc@hca.wa.gov, AND RECEIVED BY April 19, 2022.

February 9, 2022  
Wendy Barcus  
Rules Coordinator

## OTS-3609.2

AMENDATORY SECTION (Amending WSR 15-11-009, filed 5/7/15, effective 6/7/15)

**WAC 182-550-4650 "Full cost" public hospital certified public expenditure (CPE) payment program.** (1) The medicaid agency's "full cost" public hospital certified public expenditure (CPE) inpatient payment program provides payments to participating government-operated

hospitals based on the "full cost" of covered medically necessary services and requires the expenditure of local funds in lieu of state funds to qualify for federal matching funds. The agency's inpatient payments to participating hospitals equal the federal matching amount for allowable costs. The agency uses the ratio of costs-to-charges (RCC) method described in WAC 182-550-4500 to determine "full cost."

(2) To be eligible for the "full cost" public hospital CPE payment program, the hospital must be:

(a) Operated by a public hospital district in the state of Washington, not certified by the department of health (DOH) as a critical access hospital, and has not chosen to opt-out of the CPE payment program as allowed in subsection (6) of this section;

(b) Harborview Medical Center; or

(c) University of Washington Medical Center.

(3) Payments made under the inpatient CPE payment program are limited to medically necessary services provided to medical assistance clients eligible for inpatient hospital services.

(4) Each hospital described in subsection (2) of this section is responsible to provide certified public expenditures as the required state match for claiming federal medicaid funds.

(5) The agency determines the initial payment for inpatient hospital services under the CPE payment program by:

(a) Multiplying the hospital's medicaid RCC by the covered charges (to determine allowable costs), then;

(b) Subtracting the client's responsibility and any third party liability (TPL) from the amount derived in (a) of this subsection, then;

(c) Multiplying the state's federal medical assistance percentage (FMAP) by the amount derived in (b) of this subsection.

(6) A hospital may opt-out of the inpatient CPE payment program if the hospital:

(a) Meets the criteria for the inpatient rate enhancement under (~~WAC 182-550-3830(6)~~) RCW 74.09.5225; or

(b) Is not eligible for public hospital disproportionate share hospital (PHDSH) payments under WAC 182-550-5400.

(7) To opt-out of the inpatient CPE payment program, the hospital must submit a written request to opt-out to the agency's chief financial officer by July 1st in order to be effective for January 1st of the following year.

(8) Hospitals participating in the inpatient CPE payment program must complete the applicable CPE medicaid cost reports as described in WAC 182-550-5410 for the inpatient fee-for-service cost settlements.

[Statutory Authority: RCW 41.05.021, 41.05.160, and 74.09.5225(3). WSR 15-11-009, § 182-550-4650, filed 5/7/15, effective 6/7/15. Statutory Authority: RCW 41.05.021 and 42 C.F.R. 433.51(b). WSR 12-04-022, § 182-550-4650, filed 1/25/12, effective 2/25/12. WSR 11-14-075, recodified as § 182-550-4650, filed 6/30/11, effective 7/1/11. Statutory Authority: RCW 74.08.090, 74.09.500. WSR 06-08-046, § 388-550-4650, filed 3/30/06, effective 4/30/06. Statutory Authority: RCW 74.04.050, 74.08.090. WSR 05-12-132, § 388-550-4650, filed 6/1/05, effective 7/1/05.]

## WSR 22-05-056

## EXPEDITED RULES

## DEPARTMENT OF AGRICULTURE

[Filed February 10, 2022, 7:41 a.m.]

Title of Rule and Other Identifying Information: Chapter 16-439 WAC, Pears, summer and fall.

Purpose of the Proposal and Its Anticipated Effects, Including Any Changes in Existing Rules: The department is proposing rule making to repeal WAC 16-439-260 Minimum weight for Bartlett pears. Currently, this section requires that Bartlett pears may only be packed in cartons with a net weight of 14 pounds or more. Shippers have been asking for exemptions to this requirement for several years in order to meet industry demands for smaller carton sizes.

Reasons Supporting Proposal: Due to market changes such as shippers no longer selling to the public and the increased demand for smaller carton sizes, stakeholders and the agency no longer find value in WAC 16-439-260. Therefore, the department is proposing this section be removed from rule so Bartlett pears can be packed in any size carton without applying for an exemption.

Statutory Authority for Adoption: RCW 15.17.030, 15.17.050.

Statute Being Implemented: Chapter 15.17 RCW.

Rule is not necessitated by federal law, federal or state court decision.

Name of Proponent: Washington state department of agriculture, governmental.

Name of Agency Personnel Responsible for Drafting: Reanna McNamara, 1111 Washington Street S.E., Olympia, WA 98504, 360-902-1997; Implementation and Enforcement: Brenda Buckmiller, 270 9th Street N.E., Suite 101-A, East Wenatchee, WA 98802-7674, 509-885-4500.

This notice meets the following criteria to use the expedited repeal process for these rules:

The rule is no longer necessary because of changed circumstances.

Explanation of the Reason the Agency Believes the Expedited Rule-Making Process is Appropriate: Due to market changes such as shippers no longer selling to the public and the increased demand for smaller carton sizes, stakeholders and the agency no longer find value in WAC 16-439-260. Therefore, the department is proposing this section be removed from rule so Bartlett pears can be packed in any size carton without applying for an exemption.

## NOTICE

THIS RULE IS BEING PROPOSED UNDER AN EXPEDITED RULE-MAKING PROCESS THAT WILL ELIMINATE THE NEED FOR THE AGENCY TO HOLD PUBLIC HEARINGS, PREPARE A SMALL BUSINESS ECONOMIC IMPACT STATEMENT, OR PROVIDE RESPONSES TO THE CRITERIA FOR A SIGNIFICANT LEGISLATIVE RULE. IF YOU OBJECT TO THIS USE OF THE EXPEDITED RULE-MAKING PROCESS, YOU MUST EXPRESS YOUR OBJECTIONS IN WRITING AND THEY MUST BE SENT TO Gloriann Robinson, Agency Rules Coordinator, Washington State Department of Agriculture, P.O. Box 42560, Olympia, WA 98504-2560, phone 360-902-1802, fax 360-902-2092, email [wsdarulescomments@agr.wa.gov](mailto:wsdarulescomments@agr.wa.gov), AND RECEIVED BY April 18, 2022.

January 27, 2022  
Jessica Allenton  
Assistant Director

OTS-3574.1

REPEALER

The following section of the Washington Administrative Code is repealed:

WAC 16-439-260          Minimum weight for Bartlett pears.

**WSR 22-05-062**  
**EXPEDITED RULES**  
**BUILDING CODE COUNCIL**  
[Filed February 10, 2022, 4:33 p.m.]

Title of Rule and Other Identifying Information: Corrections to chapter 51-50 WAC, Adoption and amendment of the 2018 International Building Code.

Purpose of the Proposal and Its Anticipated Effects, Including Any Changes in Existing Rules: This filing is making corrections to the adopted amendments to the 2018 International Building Code, as adopted by the state building code council (SBCC). The purpose of the proposal is to reinsert an erroneously removed existing amendment back into WAC 51-50-30020, specifically addressing elevator car/ambulance stretcher requirements for R-1, R-2 and I occupancies.

Reasons Supporting Proposal: The proposed amendment in WAC 51-50-30020 more clearly defines elevator car and ambulance stretcher requirements and provides more stringent requirements for R-1, R-2 and I occupancies. It was adopted in the 2015 International Building Code, but erroneously removed during the 2018 code adoption cycle. SBCC adopted the existing amendment as an emergency rule (WSR 21-22-006) and directed SBCC staff to proceed with permanent rule making.

Statutory Authority for Adoption: RCW 19.27.031, 19.27.074.

Statute Being Implemented: Chapter 19.27 RCW.

Rule is not necessitated by federal law, federal or state court decision.

Name of Proponent: SBCC, governmental.

Name of Agency Personnel Responsible for Drafting and Implementation: Stoyan Bumbalov, 1500 Jefferson Street S.E., Olympia, 360-407-9277; Enforcement: Local jurisdictions.

This notice meets the following criteria to use the expedited adoption process for these rules:

Corrects typographical errors, make address or name changes, or clarify language of a rule without changing its effect.

NOTICE

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February 10, 2022  
Andrew S. Klein  
Council Chair

**OTS-3421.1**

AMENDATORY SECTION (Amending WSR 20-01-090, filed 12/12/19, effective 7/1/20)

**WAC 51-50-30020 ((Reserved.)) Section 30020—Hoistway enclosures. 3002.4 Elevator car to accommodate ambulance stretcher.** In buildings provided with an elevator, at least one elevator shall provide fire department emergency access to all floors served in:

1. Buildings four or more stories above or below grade plane; and
2. Any R-1, R-2 or I occupancy building regardless of the number of stories.

The elevator car shall be of a size and arrangement to accommodate a 24-inch by 84-inch (610 mm by 2134 mm) ambulance stretcher with not less than 5-inch (127 mm) radius corners, in the horizontal, open position. The elevator shall be identified by the international symbol for emergency medical services (star of life). The symbol shall not be less than 3 inches (76 mm) in height and shall be placed inside on both sides of the hoistway door frame on both the designated level and the alternate level.

**EXCEPTION:** Private residence elevators are not required to comply with this section.

[Statutory Authority: RCW 19.27.031 and 19.27.074. WSR 20-01-090, § 51-50-30020, filed 12/12/19, effective 7/1/20; WSR 16-03-064, § 51-50-30020, filed 1/19/16, effective 7/1/16.]