

WSR 23-18-015

EMERGENCY RULES

DEPARTMENT OF HEALTH

[Filed August 25, 2023, 9:15 a.m., effective August 25, 2023, 9:15 a.m.]

Effective Date of Rule: Immediately upon filing.

Purpose: Washington's Healthcare and Emergency and Logistics Tracking Hub (WA HEALTH) reporting for acute care hospitals; new WAC 246-320-700 Reporting of health system readiness data. The department of health (department) is extending this emergency rule, WAC 246-320-700, to continue to require acute care hospitals licensed under chapter 70.41 RCW to report hospital maintenance and operation data to the department through WA HEALTH in accordance with the WA HEALTH user guide. WA HEALTH continues to be used daily for state and local public health and medical preparedness planning to inform planned patient movement, coronavirus disease 2019 (COVID-19) and influenza hospitalization and disease trends, the ability of the system to absorb another surge, and supply needs across the state, so patients have access to the appropriate level of health care. This continues the emergency rule originally filed on August 31, 2022, as WSR 22-18-060; and extended on December 29, 2022, and April 28, 2023, as WSR 23-02-036 and 23-10-047, respectively.

Citation of Rules Affected by this Order: New 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: The adoption of this rule as an emergency rule is necessary to allow for the continuation of critical public health reporting of timely and accurate data pertaining to hospital patient volumes, capacities, and resource constraints as there continues to be strain on Washington's health care system. This will ensure health system readiness, promote safe and adequate care of individuals in hospitals, and mitigate the impact of these and other emerging public health threats and associated surges. Additionally, ESSB 5187 (chapter 475, Laws of 2023) contained several provisions for the department to consider use cases for data systems, including WA HEALTH. During this emergency rule extension, WA HEALTH program staff are supporting several information gathering and planning efforts that will inform potential permanent rule making. The department intends to initiate a rule-making project in the fall of 2023 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 25, 2023.

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

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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