

WSR 24-03-083
PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF HEALTH

[Filed January 16, 2024, 4:49 p.m.]

Subject of Possible Rule Making: Adult elective percutaneous coronary intervention (PCI) certificate of need (CN) requirements, WAC 246-310-700 through 246-310-755. The department of health (department) is considering changes to requirements for adult elective PCI programs in response to rule-making petitions.

In October 2023, the department received a petition for rule making to amend WAC 246-310-720 Hospital volume standards. WAC 246-310-720(1) requires hospitals with elective PCI programs to perform at least 200 adult PCIs per year by their third year. WAC 246-310-720(2) only allows new elective PCI programs to enter a planning area if there are unmet volumes sufficient to establish another program and all existing elective PCI programs meet the minimum volume standard. The petition requests amendment of WAC 246-310-720(2), to eliminate the requirement that existing PCI programs in the planning area must meet the minimum volume standard before a new elective PCI program may be approved.

In 2019, a separate rule-making petition was approved by the department that also requested amendment of WAC 246-310-720, as well as WAC 246-310-745. The department opened the CN rule chapter to address the petition, as well as other changes to CN rules. Ultimately, the department determined addressing CN rule amendments by facility type would be preferable to addressing the entire chapter at once. This rule-making project will consider both petition requests.

The department will consider amendments proposed in petitions to WAC 246-310-720 and 246-310-745. The department will also consider amendments to other PCI rules, WAC 246-310-700 through 246-310-755, as part of this rule project.

Statutes Authorizing the Agency to Adopt Rules on this Subject:
RCW 70.38.135, 43.70.040.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: Pursuant to RCW 34.05.330(1), in response to a petition for rule making, an agency may deny the petition or initiate rule-making proceedings. The department approved the rule-making petition regarding WAC 246-310-720 and is initiating rule making in accordance with RCW 34.05.330(1) to consider the petitioner's requested amendments.

The department is electing to open WAC 246-310-700 to 246-310-755 to consider whether amendments to other PCI rules are needed.

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 Ross Valore, P.O. Box 47852, Olympia, WA 98504-7852, phone 360-236-2955, TTY 711, email cnrulemaking@doh.wa.gov, website www.doh.wa.gov/licenses-permits-and-certificates/facilities-z/certificate-need.

Additional comments: All rule-making notices and rule workshop information is sent to interested parties using GovDelivery. To receive notices, interested persons may sign up by going to <https://public.govdelivery.com/accounts/WADOH/subscriber/new>. After signing up, please click open the box labeled "Health Systems Quality Assurance." Next, click open the box labeled "Community Health Systems" and "Facilities Licensing and Certificate of Need," then check the box

next to "Certificate of Need." Information will also be posted on the website www.doh.wa.gov/licenses-permits-and-certificates/facilities-z/certificate-need.

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Secretary