

WSR 24-10-090

PROPOSED RULES

DEPARTMENT OF HEALTH

[Filed April 30, 2024, 2:19 p.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 23-13-016.

Title of Rule and Other Identifying Information: Discharge or transfer of patients from acute care hospitals to 23-hour crisis relief centers in Washington state. The department of health (department) is proposing to amend WAC 246-320-111 Hospital responsibilities, in order to implement 2SSB 5120 (chapter 433, Laws of 2023), an act concerning the establishment of 23-hour crisis relief centers in Washington state.

Hearing Location(s): On June 5, 2024, at 1:15 p.m., at the Department of Health, 111 Israel Road S.E., Town Center 2, Room 166 and 167, Tumwater, WA 98501; or virtually. Register in advance for this webinar https://us02web.zoom.us/webinar/register/WN_7en_iRktQzSFJo6sjhsioA. After registering, you will receive a confirmation email containing information about joining the webinar.

If you are in need of special accommodations to have proper access to this public hearing, such as American Sign Language interpretation or translation services, please contact Dan Overton at dan.overton@doh.wa.gov or 564-201-0579 by May 22, 2024, and we will do our best to accommodate your request.

Date of Intended Adoption: June 12, 2024.

Submit Written Comments to: Dan Overton, P.O. Box 47843, Olympia, WA 98504-7843, email <https://fortress.wa.gov/doh/policyreview>, fax 360-236-2321, by June 5, 2024.

Assistance for Persons with Disabilities: Contact Dan Overton, phone 564-201-0579, fax 360-236-2321, TTY 711, email dan.overton@doh.wa.gov, by May 22, 2024.

Purpose of the Proposal and Its Anticipated Effects, Including Any Changes in Existing Rules: The department is proposing to amend WAC 246-320-111 Hospital responsibilities, by adding a new subsection that clarifies regulatory requirements for licensed acute care hospitals that wish to discharge or transfer a patient to a 23-hour crisis relief center.

Reasons Supporting Proposal: In 2023, 2SSB 5120 was passed, creating 23-hour crisis relief centers, a new type of behavioral health service model that will provide mental health and substance use crisis response to adults for no longer than 23 hours and 59 minutes at a time. Section 2 of 2SSB 5120 directs the department to adopt rules to develop standards for licensure or certification of 23-hour crisis relief centers. As part of this requirement, the department was instructed to coordinate with the health care authority to establish rules that prohibit a hospital that is licensed under chapter 70.41 RCW from discharging or transferring a patient to a 23-hour crisis relief center unless the hospital has a formal relationship with the 23-hour crisis relief center. The department conducted workshops and solicited input from interested parties in order to develop standards to meet the intent of the bill.

Statutory Authority for Adoption: RCW 70.41.030; and 2SSB 5120 (chapter 433, Laws of 2023), codified as RCW 71.24.916.

Statute Being Implemented: 2SSB 5120 (chapter 433, Laws of 2023), codified as RCW 71.24.916.

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

Name of Proponent: Department of health, governmental.

Name of Agency Personnel Responsible for Drafting, Implementation, and Enforcement: Dan Overton, 111 Israel Road S.E., Tumwater, WA 98501, 564-201-0579.

A school district fiscal impact statement is not required under RCW 28A.305.135.

A cost-benefit analysis is required under RCW 34.05.328. A preliminary cost-benefit analysis may be obtained by contacting Dan Overton, P.O. Box 47843, Olympia, WA 98504-7843, phone 564-201-0579, fax 360-236-2321, TTY 711, email dan.overton@doh.wa.gov.

This rule proposal, or portions of the proposal, is exempt from requirements of the Regulatory Fairness Act because the proposal:

Is exempt under RCW 19.85.025(4).

Explanation of exemptions: This proposed rule only applies to licensed acute care hospitals. These do not meet the definition of "small business" in RCW 19.85.020.

Scope of exemption for rule proposal:

Is fully exempt.

April 30, 2024
Kristin Peterson, JD
Chief of Policy
for Umair A. Shah, MD, MPH
Secretary

OTS-5313.1

AMENDATORY SECTION (Amending WSR 09-07-050, filed 3/11/09, effective 4/11/09)

WAC 246-320-111 Hospital responsibilities. This section identifies a hospital obligation, actions and responsibilities to comply with the hospital law and rules.

(1) Hospitals must:

(a) Comply with chapter 70.41 RCW and this chapter;

(b) Only set up inpatient beds within the licensed bed capacity approved by the department or the medicare provider agreement; and

(c) Receive approval for additional inpatient beds as required in chapter 70.38 RCW before exceeding department approved bed capacity.

(2) A hospital accredited by the Joint Commission or American Osteopathic Association must:

(a) Notify the department of an accreditation survey within two business days following completion of the survey; and

(b) Notify the department in writing of the accreditation decision and any changes in accreditation status within ((thirty)) 30 calendar days of receiving the accreditation report.

(3) A hospital that wishes to discharge or transfer an inpatient to a 23-hour crisis relief center, as defined in RCW 71.24.025, that is not owned and operated by the hospital, must have a documented formal relationship, such as an agreement or memorandum of understanding,

with the 23-hour crisis relief center the patient will be discharged or transferred to.