

**WSR 21-13-095**  
**PREPROPOSAL STATEMENT OF INQUIRY**  
**DEPARTMENT OF HEALTH**

[Filed June 18, 2021, 12:38 p.m.]

Subject of Possible Rule Making: Chapter 246-455 WAC, Hospital patient discharge information reporting. The department of health (department) is considering amending existing rules and creating new rules on hospital patient discharge information reporting. The rules may prescribe new patient demographic information reported by hospitals; establish a waiver process; strengthen protections of patient health care information to align with federal law changes; clarify and add requirements for data collection and reporting; establish formalized procedures for requesting hospital patient discharge data; prescribe direct and indirect patient identifiers; update or add definitions; make technical updates and clarifications to existing rules; and establish fees for data files and analysis.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 43.70.052; and E2SHB 1272 (chapter 162, Laws of 2021).

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The department administers the comprehensive hospital abstract reporting system (CHARS) which collects record level information on inpatient and observation patient hospital stays. Currently, one hundred eight hospitals report patient discharge information through CHARS.

In 2021, the Washington state legislature passed E2SHB 1272 (chapter 162, Laws of 2021) which requires new demographic information to be collected and waiver requirements to be established. The bill requires hospitals to report patient discharge information related to race, ethnicity, gender identity, sexual orientation, preferred language, disability status, and zip code of residence. It also requires the department to develop a waiver and grant process to assist hospitals that are certified by the Centers for Medicare and Medicaid Services (CMS) as a critical access hospital, certified by CMS as a sole community hospital, or qualifies as a medicare dependent hospital to comply with the requirements. E2SHB 1272 (chapter 162, Laws of 2021) requires the department to complete rule making by July 1, 2022. CHARS currently collects sex, zip code, and race and ethnicity per minimum office of management and budget standards as part of the UB-04 items outlined in WAC 246-455-020. The new reporting of patient demographic information required by the bill goes into effect on January 1, 2023. Rules are necessary to implement the legislation by defining the new patient demographic information and establishing waiver requirements.

For routine maintenance, continued compliance with RCW 43.70.052, and to strengthen protections for patient discharge information, the department is also considering other amendments to chapter 246-455 WAC, Hospital patient discharge information reporting. The rules may further define direct and indirect patient identifiers and public data sets, clarify and add requirements for data collection and reporting, establish formalized procedures for requesting hospital patient discharge data and add requirements for data sharing agreements, update or add definitions, align with federal law changes, make technical updates and clarifications to existing rules, and establish fees for data files and analysis. Through rule making, the department can establish and maintain formalized processes and enforceable standards for the collection and release of hospital patient discharge information.

Process for Developing New Rule: The department will use a collaborative rule-making process to develop the proposed rules.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Katitza Holthaus, P.O. Box 47814, Olympia, WA 98504, phone 360-236-4311, fax 360-753-4135, TTY 711, email [katitza.holthaus@doh.wa.gov](mailto:katitza.holthaus@doh.wa.gov), website <http://www.doh.wa.gov/AboutUs/RuleMaking>.

Additional comments: Interested parties can participate in the drafting of the proposed rule. The department will use existing listserv and other known contact information to inform stakeholders of opportunities to provide input on proposed rule language. To be included on an interested parties list, contact Katitza Holthaus.

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