

WSR 23-16-038
PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF HEALTH

[Filed July 24, 2023, 10:04 a.m.]

Subject of Possible Rule Making: Kidney disease treatment center temporary emergency exemptions. Chapter 246-310 WAC, Certificate of need, kidney disease treatment centers sections. The department of health (department) is considering creating a new section to implement SSB 5569 (chapter 48, Laws of 2023) that creates exemptions from certificate of need requirements for kidney disease centers due to a temporary emergency situation. The department is also considering amending kidney disease treatment center rules, WAC 246-310-800 through 246-310-833, based upon the effects of creating a new exemption for kidney disease centers pursuant to SSB 5569.

Statutes Authorizing the Agency to Adopt Rules on this Subject: SSB 5569 (chapter 48, Laws of 2023); and RCW 70.38.135.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: SSB 5569 adds a new section to chapter 70.38 RCW, Health planning and development, which creates an exemption allowing kidney disease centers to exceed their authorized number of dialysis stations during a temporary emergency situation. SSB 5569 defines "temporary emergency situation," provides examples, and allows the department to identify additional "temporary emergency situations" by rule. The bill also directs how kidney disease centers can apply for exemptions and authorizes the department to adopt any rules necessary to implement the bill. The department is also considering updates to kidney disease center need methodologies and rules to reflect the impact of kidney disease centers exceeding their authorized number of kidney dialysis stations.

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.

July 24, 2023
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