

**WSR 24-03-126**  
**PREPROPOSAL STATEMENT OF INQUIRY**  
**DEPARTMENT OF HEALTH**

[Filed January 22, 2024, 9:58 a.m.]

Subject of Possible Rule Making: WA HEALTH statewide emergency and logistics tracking system; reporting of health system readiness data for acute care facilities and behavioral health agencies and facilities. The department of health (department) is considering amending Title 246 WAC to require acute care hospitals licensed under chapter 70.41 RCW to report hospital maintenance and operation data to the department through the Washington Healthcare Emergency and Logistics Tracking Hub (WA HEALTH), a statewide data management system. The department is considering permanently adopting content from the current emergency rules regarding WA HEALTH which has been in place since 2020 and most recently renewed on December 22, 2023, filed as WSR 24-02-023. The department will also consider requiring behavioral health agencies and facilities licensed under RCW 71.24.037 to report hospital maintenance and operation data to the department through WA HEALTH.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 43.70.130, 43.70.040; chapter 70.41 RCW; RCW 70.41.030 and 71.24.037.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The department is considering permanent implementation of the WA HEALTH data management system for acute care facilities and behavioral health agencies and facilities by requiring their participation in entering data to the WA HEALTH system.

Permanent rule making for the WA HEALTH program may be necessary due to the ongoing and critical role it plays in responding to public health threats, especially in the context of the COVID-19 pandemic. The emergency rule, which currently mandates acute care facilities to report data to WA HEALTH, was initially put into place in response to the governor's proclamation during the onset of the pandemic. As the pandemic unfolded, the importance of having access to a comprehensive data set became evident for making timely and informed decisions at both state and local levels. Having access to current key health care data empowers the state's decision makers to respond more effectively to public health threats.

WA HEALTH currently tracks acute care facilities, which gives a common operating picture of Washington's emergency readiness against ongoing and new health crises in Washington and improves awareness of acute care capacity issues improving efficiency for patients transferring from acute care facilities to behavioral health facilities.

The department is also considering the addition of licensed or certified behavioral health agencies (BHAs) to this permanent rule. During the height of the COVID-19 pandemic, some acute care facilities struggled with "difficult to discharge" situations where some patients needed to be discharged to a behavioral health facility rather than home, but the state has no centralized online repository of available beds in behavioral health facilities. This slowed down discharge to open a needed bed for other patients. RCW 71.24.037(14) requires BHAs to "file with the department or the authority upon request, data, statistics, schedules, and information the department or the authority reasonably requires." RCW 73.24.037 provides the department with the authority to adopt rules.

WA HEALTH has proven to be a valuable tool not only during the pandemic but also in its aftermath. It provides situational awareness on various critical factors such as respiratory infection cases, bed occupancy, equipment, and supplies. The program's effectiveness in supporting health care leaders to make informed decisions underscores the necessity of formalizing its role through permanent rule making. Implementing WA HEALTH as a permanent rule would encourage facilities to continue reporting data critical to Washington's emergency readiness and improve patient placement to behavioral health facilities who often cannot find placement in the current environment.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: The department will continue to closely coordinate with The National Healthcare Safety Network (NHSN) to comply with federal reporting requirements. The department will continue reporting data to NHSN on behalf of the facilities reporting to WA HEALTH, reducing the burden of facilities to report their data to multiple entities.

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 Tyler Nowlan, P.O. Box 47852, Olympia, WA 98504-7852, phone 360-790-1453, TTY 711, email Tyler.Nowlan@doh.wa.gov; or Brent Hoffman, P.O. Box 47852, Olympia, WA 98504-7852, phone 253-331-8543, TTY 711, email Brent.Hoffman@doh.wa.gov.

Additional comments: Individuals who would like to follow or participate in this rule making may use the above contact information to be put on an interested parties list and be informed of future rule-making activity.

January 22, 2024  
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