

WSR 25-08-069

PERMANENT RULES

DEPARTMENT OF HEALTH

[Filed April 1, 2025, 2:20 p.m., effective July 15, 2025]

Effective Date of Rule: July 15, 2025.

Purpose: Behavioral health agency (BHA) and residential treatment facility (RTF) fee updates. The department of health is adopting amendments to BHA fees in WAC 246-341-0365 and RTF fees in WAC 246-337-990 to address funding requirements. The updates are needed to adequately fund inspection, investigation, and licensing programs to protect patients. The requirement in RCW 43.70.250 states that fees must cover regulatory program expenses which necessitates the program(s) to be self-funding and changes to rules are the only way to make fee adjustments.

Citation of Rules Affected by this Order: Amending WAC 246-341-0365 and 246-337-990.

Statutory Authority for Adoption: RCW 43.70.110, 43.70.250, and 71.24.037.

Adopted under notice filed as WSR 25-05-090 on February 18, 2025.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 0, Repealed 0; or Recently Enacted State Statutes: New 0, Amended 0, Repealed 0.

Number of Sections Adopted at the Request of a Nongovernmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's own Initiative: New 0, Amended 2, Repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 2, Repealed 0.

Number of Sections Adopted using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 2, Repealed 0.

Date Adopted: April 1, 2025.

Kristin Peterson, JD  
Chief of Policy  
for Jessica Todorovich, MS  
Acting Secretary of Health

RDS-6151.1

AMENDATORY SECTION (Amending WSR 08-12-036, filed 5/30/08, effective 7/1/08)

**WAC 246-337-990 Licensing fees.** A licensee must submit the following fees to the department:

FEE TYPE	AMOUNT
Administrative processing/ initial application fee	<del>(\$204.00)</del> \$490.00
License bed fee (per bed)	<del>(\$190.00)</del> \$470.00
Annual renewal fee (per bed)	\$190.00

FEE TYPE	AMOUNT
Late fee (per bed)	\$33.00 (up to \$660.00)
Follow-up compliance survey fee or a complete on-site survey fee resulting from a substantiated complaint	<del>(\$1,320.00)</del> \$3,250.00

(1) The department shall refund fees paid by the applicant for initial licensure if:

(a) The department has received an application but has not conducted an on-site survey or provided technical assistance. The department shall refund two-thirds of the fees paid, less a ~~((fifty dollar))~~ \$50 processing fee;

(b) The department has received an application and has conducted an on-site survey or provided technical assistance. The department shall refund one-third of the fees paid, less a ~~((fifty dollar))~~ \$50 processing fee.

(2) The department will not refund fees paid by the applicant if:

(a) The department has conducted more than one on-site visit for any purpose;

(b) One year has elapsed since the department received an initial licensure application, and the department has not issued a license because the applicant failed to complete requirements for licensure; or

(c) The amount to be refunded as calculated by subsection (1) (a) or (b) of this section is ~~((ten dollars))~~ \$10 or less.

**RDS-6152.1**

AMENDATORY SECTION (Amending WSR 24-17-003, filed 8/8/24, effective 9/8/24)

**WAC 246-341-0365 Agency licensure and certification—Fee requirements.** (1) An agency must include payment of licensing and certification fees required under this chapter with the initial application, renewal application, or with requests for other services.

(2) The department may refund one-half of the application fee if an application is withdrawn before certification or denial.

(3) The department will not refund fees when licensure or certification is denied, revoked, or suspended.

(4) ~~((The applicant shall submit the following fees for approved substance use disorder treatment programs:))~~

New agency application	\$1,000
Branch agency application	\$500
Application to add one or more certifications	\$200
Application to change ownership	\$500
Initial and annual certification fees for withdrawal management, residential, and nonresidential services	

Withdrawal management and residential services	\$100 per licensed bed, per year, for agencies not renewing certification through deeming
	\$50 per licensed bed, per year, for agencies renewing certification through deeming per WAC 246-341-0310
Nonresidential services	\$750 per year for agencies not renewing certification through deeming
	\$200 per year for agencies certified through deeming per WAC 246-341-0310
Complaint/critical incident investigation fees	
All agencies	\$1,000 per substantiated complaint investigation and \$1,000 per substantiated critical incident investigation that results in a requirement for corrective action

~~(5)) An agency ((providing substance use disorder treatment programs)) must annually complete a ((declaration)) form provided by the department to indicate information necessary for establishing fees and updating certification information. Required information includes, but is not limited to:~~

~~(a) ((The number of licensed withdrawal management and residential beds; and~~

~~(b) The agency provider's national accreditation status.~~

~~(6) The applicant shall submit the following fees for approved mental health treatment programs:~~

Initial licensing application fee	\$1,000
Initial and annual licensing fees for agencies not deemed	
Annual service hours provided:	Initial and annual licensing fees:
0-3,999	\$728
4,000-14,999	\$1,055
15,000-29,999	\$1,405
30,000-49,999	\$2,105
50,000 or more	\$2,575
Annual licensing fees for deemed agencies	
Annual licensing fee for deemed agencies licensed by the department	\$500
Complaint/critical incident investigation fee	
All residential and nonresidential agencies	\$1,000 per substantiated complaint investigation and \$1,000 per substantiated critical incident investigation that results in a requirement for corrective action

~~(7) Agencies providing nonresidential mental health services or inpatient or residential mental health services in accordance with WAC~~

~~246-341-1118 must report))~~ The agency provider's national accreditation status, if applicable;

~~(b) The number of licensed beds, if applicable; and~~

~~(c) The number of annual service hours provided for outpatient services, if applicable.~~

~~((a)) (i) Existing licensed agencies must compute the annual service hours based on the most recent state fiscal year.~~

~~((b) Newly licensed) (ii) Agencies seeking initial licensure must compute the annual service hours by projecting the service hours for the first 12 months of operation.~~

~~((8) Agencies providing mental health peer respite services, 23-hour crisis relief center services, intensive behavioral health treatment services, evaluation and treatment services, and competency evaluation and restoration treatment services must pay the following certification fees:~~

~~(a) Ninety dollars initial certification fee, per bed or recliner; and~~

~~(b) Ninety dollars annual certification fee, per bed or recliner.) (5) The following fees will be charged:~~

(a) Application fees:

<u>New agency</u>	<u>\$2,250</u>
<u>Branch agency</u>	<u>\$1,150</u>
<u>To add one or more certifications</u>	<u>\$450</u>
<u>To change ownership</u>	<u>\$1,150</u>

(b) Residential and inpatient service fees:

	<u>With deemed status per WAC 246-341-0310</u>	<u>Without deemed status</u>
<u>Per licensed bed</u>	<u>\$125</u>	<u>\$250</u>

(c) Outpatient service fees:

<u>Annual service hours</u>	<u>With deemed status per WAC 246-341-0310</u>	<u>Without deemed status</u>
<u>0-3,999</u>	<u>\$830</u>	<u>\$1,650</u>
<u>4,000-14,999</u>	<u>\$1,200</u>	<u>\$2,400</u>
<u>15,000-29,999</u>	<u>\$1,600</u>	<u>\$3,200</u>
<u>30,000-49,999</u>	<u>\$2,380</u>	<u>\$4,750</u>
<u>50,000 or more</u>	<u>\$2,900</u>	<u>\$5,800</u>

(d) Investigation fees:

<u>Per substantiated complaint investigation and per substantiated critical incident investigation that results in a requirement for corrective action</u>	<u>\$2,250</u>
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