

Name of Agency Personnel Responsible for Drafting: Samantha Zee, 111 Israel Road S.E., Tumwater, WA 98501, 564-233-9250; Implementation and Enforcement: Cynthia Harry, 111 Israel Road S.E., Tumwater, WA 98501, 564-233-9250.

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 Samantha Zee, P.O. Box 47820, Olympia, WA 98504-7820, phone 564-233-9250, TTY 711, email samantha.zee@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(3) as the rules only correct typographical errors, make address or name changes, or clarify language of a rule without changing its effect; rule content is explicitly and specifically dictated by statute; and rules set or adjust fees under the authority of RCW 19.02.075 or that set or adjust fees or rates pursuant to legislative standards, including fees set or adjusted under the authority of RCW 19.80.045.

Is exempt under RCW 19.85.025(4).

Explanation of exemptions: The proposed rules implement RCW 43.70.057, which requires hospitals with emergency departments to submit emergency department patient care information to the department. There are no hospitals licensed in Washington state that, by definition, are a small business.

Scope of exemption for rule proposal:

Is fully exempt.

March 15, 2026
Kristin Peterson, JD
Chief of Policy
for Dennis E. Worsham
Secretary of Health

RDS-7021.1

**Chapter 246-460 WAC
HOSPITAL EMERGENCY DEPARTMENT PATIENT CARE INFORMATION REPORTING**

NEW SECTION

WAC 246-460-001 Purpose. This chapter implements RCW 43.70.057 relating to collection, maintenance, analysis, and dissemination of emergency room patient care information. The information collected supports the department's ability to be fully informed of and to respond to emerging public health threats and chronic conditions that may impact the health of the people of Washington.

NEW SECTION

WAC 246-460-010 Definitions. The definitions in this section apply throughout this chapter, unless the context clearly requires otherwise:

- (1) "Custom data product" means a specialized data file or data report created and released by the department.
- (2) "Data element" means patient care visit information collected from a health care facility under the authority of RCW 43.70.057 that is part of a patient encounter, including required and optional patient care visit information.
- (3) "Data sharing agreement" means a recorded understanding that memorializes what data is being shared and how it can be used including, but not limited to, a contract, service level agreement, or dedicated data sharing agreement.
- (4) "Department" means the Washington state department of health.
- (5) "Electronic health record" means an electronic version of a patient's medical history that is maintained by a health care provider.
- (6) "Emergency department" means the area of a hospital where unscheduled medical or surgical care is provided to patients.
- (7) "Hospital" means any health care institution which is licensed under chapters 70.41 RCW and 246-320 WAC.
- (8) "Human research review board" is the standing institutional review board operating under chapter 42.48 RCW.
- (9) "Message" means the transmission of a single or group of data elements between a submitter and the department provided in a single transmission or as a series of transmissions that contains a logical grouping of data fields, in a defined sequence, with a message type and trigger event.
- (10) "Messaging guide" refers to the *Washington State Messaging Guide for Syndromic Surveillance*, publication number DOH 420-096 published by the department at www.doh.wa.gov, including all subsequent updates.
- (11) "Patient care information" is information recorded by a health care facility during a health care encounter.
- (12) "Rapid health information network" or "RHINO" means a program within the department that collects, maintains, analyzes, and disseminates data elements for use in tracking, monitoring, and evaluating health care encounters.
- (13) "Research" means the same as in RCW 42.48.010.
- (14) "State" means Washington state unless otherwise specified.
- (15) "Submitter" means any hospital with an emergency department licensed under chapters 70.41 RCW and 246-320 WAC or health care facility that sends patient care information data to the department RHI-NO program, whether mandatory or nonmandatory.

NEW SECTION

WAC 246-460-020 Data elements. Submitters shall align the data elements as described in, and consistent with, the guidelines established in the messaging guide.

NEW SECTION**WAC 246-460-030 Submission of data elements and messages.** (1)

Submitters shall transmit data elements and messages in the format consistent with the messaging guide. The department may require additional information not listed in the messaging guide to successfully process data submission files.

(2) Submitters shall transmit all required data elements for each health care encounter unless there is incomplete data on a patient visit in the electronic health record. In such cases, all available data must be reported. For data elements where information is missing, submitters shall transmit the data element without content.

(3) Submitters shall transmit to the department an automated report by electronic transmission of data elements and messages about a health care encounter within 24 hours of the initiation of the patient visit. Submitters shall submit messages as early as possible after midnight and the submission must contain all data elements and messages from the previous 24 hours.

(4) Submitters shall transmit messages for all health care encounters and shall not delete or remove any required data elements of a message. Updated messages must be sent during the patient's visit and after discharge as information becomes available to enable a complete record of each health care encounter. The information contained must be cumulative, including all previously sent information that remains correct, and any new or changed information. Updated messages must be sent within at least 24 hours of the information being collected.

(5) The department may require submitters to provide additional information for purposes of validating data elements received, verifying accuracy, and conducting surveillance of and addressing potential public health threats.

NEW SECTION**WAC 246-460-040 Establishing electronic submission.** (1) To be-

gin electronic submission to the rapid health information network, submitters shall:

(a) Register with the department; and

(b) Establish a secure electronic transmission through the system designated by the department on its website and in its messaging guide.

(2) If connectivity through the department's designated system is not possible, the submitter shall request an alternate solution from the department. Submitters shall inform the department of any planned changes in its electronic health record system vendor within 30 days of implementing a change that will impact electronic submission to avoid an interruption to, or degradation of, electronic submissions to the department.

NEW SECTION**WAC 246-460-050 Errors in data elements or messages.** (1) Should

the department identify errors in a message or data elements included

in a message, the department will notify the submitter in writing or electronically.

(a) Submitters shall acknowledge the department's initial requests to resolve the issues within one business day.

(b) Submitters shall resend the information, or send replacement information, in the event of missing or erroneous data elements.

(c) If the department has not received any communication from a submitter within 10 business days, and the issue or issues have not been resolved, the submitter will be considered out of compliance.

(2) Submitters shall provide the department with current key staff contact information for use in the event of data or message quality errors. The department will maintain contact information for submitters in the messaging guide.

NEW SECTION

WAC 246-460-060 Release of data and data sharing agreements.

(1) The secretary of health or their delegate may determine if an event presents a clear and imminent adverse threat to the health of the public, qualifying as an emergent public health threat, where the department may release data without a formal data sharing agreement.

(2) The department may designate any requested data element as either a direct patient identifier or an indirect patient identifier as defined by RCW 43.70.057, based on the uniqueness of a data element or assessed risk of reidentification through the combination of data elements in a data request.

(3) The department will provide submitters query access to their own submitted data through access to the system. Submitters shall sign a written agreement as required by RCW 43.70.057 (6) through (8). Submitters may request access at a future date if they declined while onboarding. The department will maintain contact information for access requests in the messaging guide. Submitters can retrieve any available data within 30 minutes of submitting a query, once the data has been ingested into the system.

NEW SECTION

WAC 246-460-070 Custom data product fees. (1) The department shall collect nonrefundable fees to cover the actual cost of retrieving data for individuals and organizations engaged in research or private use of the data at the rate of \$156 per hour with a two and a half-hour minimum for custom data products.

(2) The department shall waive fees for the following organizations within the state:

(a) Local health jurisdictions; and

(b) Tribes, tribal organizations, and Indian health service designated tribal epidemiology centers serving tribes.