WSR 26-16-015
PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF HEALTH

[Filed July 24, 2026, 9:22 a.m.]

Subject of Possible Rule Making: The department of health (department) is considering rule amendments to update fees for ambulatory surgical facilities, WAC 246-330-199. The department may also consider changes to clarify and standardize language.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 43.70.110, 43.70.250, and 70.230.020.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The department is considering amendments to WAC 246-330-199 regarding initial license, renewal, and other charges for ambulatory surgical facilities to address funding requirements. An update may be needed to appropriately fund the ambulatory surgical facilities 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 to be self-funding and changes to rules are the only way to make fee adjustments.

Revenue from ambulatory surgical facilities fees must support mandated licensing and regulatory activities, such as issuing licenses and ongoing inspections and investigations. In addition to covering current expenses, the revenue level must also provide a reserve for unexpected program costs. The office of financial management recommends a reserve level of two months of expenditures. Based on a regular review, it was discovered that current revenue may not be adequate to support regulated activities and ensure sufficient reserve levels. Fees were last adjusted for ambulatory surgical facilities in 2019.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: None.

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 John Hilger, P.O. Box 47850, Olympia, WA 98504-7850, phone 360-236-2929, TTY 711, email john.hilger@doh.wa.gov, website doh.wa.gov or https://public.govdelivery.com/accounts/WADOH/subscriber/new; or Heather Cantrell, P.O. Box 47850, Olympia, WA 98504-7850, TTY 711, email HSQAFeeRules@doh.wa.gov, website doh.wa.gov or https://public.govdelivery.com/accounts/WADOH/subscriber/new.

Additional comments: The department will use existing email lists and other known contact information to inform interested parties of opportunities to provide input on proposed rule language. To find out more information about our rule making, visit www.doh.wa.gov. To subscribe, visit www.doh.wa.gov, and select the "Sign up for Updates From DOH" button at the bottom of the page. After signing in, select the box labeled "Health Systems Quality Assurance." Next, select the box labeled "Community Health Systems," and then click "Facilities" and "Ambulatory Surgical Facilities" for ambulatory surgical facilities rules or select the relevant facility type(s).

July 24, 2026
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