WSR 26-19-033
PERMANENT RULES
DEPARTMENT OF HEALTH

[Filed September 9, 2026, 9:07 a.m., effective October 10, 2026]

Effective Date of Rule: Thirty-one days after filing.

Purpose: Certificate of need (CN) review fees. The department of health (department) adopted amendments for new fees and structure clarifications in WAC 246-310-990 Certificate of need fees.

The amendments to WAC 246-310-990 include CN application and review fees to address funding requirements. RCW 43.70.250 requires the fees collected by CN must cover the operational cost of the program. Additionally, changes are included to reflect the current landscape of reviews. A reorganization of fees includes lower costs for rural applications, and an assessment based on capital expenditures which brings Washington in line with other states that use that method. The changes are meant to rebalance the fees to improve overall assessment of fees in connection with application type. In the 2026 legislative session, funds were allocated resulting in a reduction to the originally proposed fee amounts. The newly adopted fees will fund the program and provide a modernized assessment structure.

Citation of Rules Affected by this Order: Amending WAC 246-310-990.

Statutory Authority for Adoption: RCW 43.70.250 and 70.38.105.

Adopted under notice filed as WSR 26-13-115 on June 17, 2026.

Changes Other than Editing from Proposed to Adopted Version: WAC 246-310-990 (1)(a)-(b), technical nonsubstantive grammatical edits were made to meet department standards.

WAC 246-310-990, Table 1, technical amendment made to spell out "Continuing Care Retirement Communities."

WAC 246-310-990(4), technical nonsubstantive grammatical amendment to clarify requirements for projects subject to monitoring under WAC 246-310-590.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 0, Repealed 0; or Recently Enacted State Statutes: New 0, Amended 0, Repealed 0.

Number of Sections Adopted at the Request of a Nongovernmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's own Initiative: New 0, Amended 1, Repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 0, Repealed 0.

Number of Sections Adopted using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 1, Repealed 0.

Date Adopted: September 9, 2026.

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

RDS-7051.5

AMENDATORY SECTION (Amending WSR 12-11-062, filed 5/15/12, effective 6/15/12)

WAC 246-310-990 Certificate of need review fees. (1) ((~~An application for~~)) A certificate of need application for review under chapter 246-310 WAC must include payment of ((~~a fee consisting of the following:~~

~~(a) A review fee based on the facility/project type;~~

~~(b) If more than one facility/project type applies to an application, the review fee for each type of facility/project must be included.~~

~~Facility/Project Type~~	~~Review Fee~~
~~Ambulatory Surgical Centers/Facilities~~	~~$20,427.00~~
~~Amendments to Issued Certificates of Need~~	~~$12,874.00~~
~~Emergency Review~~	~~$8,286.00~~
~~Exemption Requests~~	
• ~~Continuing Care Retirement Communities (CCRCs)/Health Maintenance Organization (HMOs)~~	~~$8,286.00~~
• ~~Bed Banking/Conversions~~	~~$1,347.00~~
• ~~Determinations of Nonreviewability~~	~~$1,925.00~~
• ~~Hospice Care Center~~	~~$1,733.00~~
• ~~Nursing Home Replacement/ Renovation Authorizations~~	~~$1,733.00~~
• ~~Nursing Home Capital Threshold under RCW 70.38.105 (4)(e) (Excluding Replacement/ Renovation Authorizations)~~	~~$1,733.00~~
• ~~Rural Hospital/Rural Health Care Facility~~	~~$1,733.00~~
~~Extensions~~	
• ~~Bed Banking~~	~~$770.00~~
• ~~Certificate of Need/Replacement Renovation Authorization Validity Period~~	~~$770.00~~
~~Home Health Agency~~	~~$24,666.00~~
~~Hospice Agency~~	~~$21,968.00~~
~~Hospice Care Centers~~	~~$12,874.00~~
~~Hospital (Excluding Transitional Care Units-TCUs, Ambulatory Surgical Center/Facilities, Home Health, Hospice, and Kidney Disease Treatment Centers)~~	~~$40,470.00~~
~~Kidney Disease Treatment Centers~~	~~$25,054.00~~
~~Nursing Homes (Including CCRCs and TCUs)~~	~~$46,253.00~~

~~(2) The fee for amending a pending certificate of need application is determined as follows:~~

~~(a) If an amendment to a pending certificate of need application results in the addition of one or more facility/project types, the review fee for each additional facility/project type must accompany the amendment application;~~

~~(b) If an amendment to a pending certificate of need application results in the removal of one or more facility/project types, the department shall refund to the applicant the difference between the review fee previously paid and the review fee applicable to the new facility/project type; or~~

~~(c) If an amendment to a pending certificate of need application results in any other change as identified in WAC 246-310-100, a fee of two thousand sixty dollars must accompany the amendment application.~~

~~(3)~~)) an application fee for each facility or project type as provided in Table 1 of this section.

The department assess and calculates an application fee as follows:

(a) Except as provided in (b) of this subsection, an application fee is equal to 1.15 percent of the total estimated project capital expenditure with a minimum of $25,000 and a maximum of $80,000; or

(b) For an application involving a facility project or project located in a designated rural area, the application fee is $25,000 for each facility or project application. Rural designation criteria may be obtained on the department's website or by contacting the department.

Table 1 - Application Review Fees

Facility or Project Type	Percent of Total Capital Expenditure	Minimum	Maximum	Rural
Ambulatory Surgical Centers and Facilities	1.15	$25,000	$80,000	$25,000
Home Health Agency	1.15	$25,000	$80,000	$25,000
Hospice Agency	1.15	$25,000	$80,000	$25,000
Hospice Care Centers	1.15	$25,000	$80,000	$25,000
Hospital (Excluding Transitional Care Units-TCUs, Ambulatory Surgical Center and Facilities, Home Health, Hospice, and Kidney Disease Treatment Centers)	1.15	$25,000	$80,000	$25,000
Kidney Disease Treatment Centers	1.15	$25,000	$80,000	$25,000
Nursing Homes (Including Continuing Care Retirement Communities and TCUs)	1.15	$25,000	$80,000	$25,000

(2) Pending application amendment requests must include:

(a) A nonrefundable application amendment fee (see Table 2); and

(b) Payment of the difference between the original application fee and the revised application fee calculated using the same criteria established in subsection (1) of this section.

(i) If the recalculated amount is more than the original application fee, the applicant shall pay the difference when the amendment is submitted.

(ii) If the recalculated amount is less than the original application fee, the department shall refund the amount of the decrease minus the application amendment fee.

(3) Issued certificate of need amendment requests must include a nonrefundable amendment fee (see Table 2).

(4) A project subject to monitoring under WAC 246-310-590 must submit to the department a preproject completion monitoring fee as provided in Table 2 of this section during the fourth quarterly review after the department issues a certificate of need. The fee is due every fourth quarterly review until the project reaches completion.

Table 2 - Other Fees

Category	Fee Type	Fee
Determination	Determination of Reviewability	$12,500
	Emergency Review	$9,500
Exemption	Ambulatory Surgical Center Exemption Request	$18,000
	Bed Banking and Conversions	$1,500
	Continuing Care Retirement Communities (CCRCs) and Health Maintenance Organization (HMOs)	$9,500
	Hospice Care Center	$3,000
	Nursing Home Capital Threshold under RCW 70.38.105 (4)(e) (Excluding Replacement and Renovation Authorizations)	$3,000
	Nursing Home Replacement and Renovation Authorizations	$3,000
	Rural Hospital and Rural Health Care Facility	$3,000
Amendment	Application Amendment Fee	$2,500
	Issued Certificate of Need	$15,000
Extension	Bed Banking	$1,000
	Certificate of Need and Replacement Renovation Authorization Validity Period	$1,000
Monitoring	Preproject Completion Monitoring Fee	$5,000

(5) If a certificate of need application is returned by the department under WAC 246-310-090 (2)(b) or (e), the department shall refund ((~~seventy-five~~)) 75 percent of the application review fees paid.

((~~(4) If an applicant submits~~)) (6) If a written request to withdraw a certificate of need application is submitted:

(a) Before the beginning of review, the department shall refund ((~~seventy-five~~)) 75 percent of the application review fees paid by the applicant((~~.~~

~~(5) If an applicant submits a written request to withdraw a certificate of need application~~));

(b) After the beginning of review, but before the beginning of the ex parte period, the department shall refund ((~~one-half~~)) 50 percent of all review fees paid((~~.~~

~~(6) If an applicant submits a written request to withdraw a certificate of need application~~)); or

(c) After the beginning of the ex parte period the department shall not refund any of the review fees paid.

(7) Review fees for exemptions and extensions are nonrefundable.