WSR 26-19-041
PROPOSED RULES
DEPARTMENT OF HEALTH
[Filed September 11, 2026, 7:54 a.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 25-23-011.

Title of Rule and Other Identifying Information: Hospital price transparency requirements; the department of health (department) is proposing new WAC 246-320-148 to provide clarity and direction related to hospital price transparency reporting requirements.

Hearing Location(s): On October 27, 2026, at 2:00 p.m., via Zoom. Register in advance for this webinar at https://us02web.zoom.us/webinar/register/WN_ciEnX_8PQQm7RlxIwJUlng. After registering, you will receive a confirmation email containing information about joining the webinar. You may also submit comments in writing.

Date of Intended Adoption: November 3, 2026.

Submit Written Comments to: Tiffani Buck, Department of Health, P.O. Box 47853, Olympia, WA 98504-7853, email ochsfacilities@doh.wa.gov, web https://fortress.wa.gov/doh/policyreview/, beginning the time and date of this filing, by October 27, 2026, at 11:59 p.m.

Assistance for Persons with Disabilities: Contact Tiffani Buck, phone 564-233-1121, TTY 711, email ochsfacilities@doh.wa.gov, by October 13, 2026.

Purpose of the Proposal and Its Anticipated Effects, Including Any Changes in Existing Rules: The proposed new WAC 246-320-148:

(1) Establishes an annual deadline of July 1st for hospitals to submit their price transparency data to the department in subsection;

(2) Clarifies which data requirements may be submitted; and

(3) Ties this reporting requirement to existing enforcement authority for hospitals licensed under chapter 70.41 RCW and chapter 246-320 WAC in subsection for clarity.

Subsection (2) of the proposed rule addresses confusion expressed by hospitals regarding state requirements under RCW 70.41.560 and federal price transparency requirements under 42 C.F.R. Part 180 by clarifying that the federal requirements, as they existed as of January 1, 2025, are the required minimum. However, any additional or different types of data elements beyond what was required as of January 1, 2025, by the Centers for Medicare and Medicaid Services (CMS) may be included in the data submitted to the department. The intent is to clarify that data submitted to the department may meet the current or historical CMS requirements, as long as CMS has not removed reporting requirements. Changes made by CMS to 45 C.F.R. Part 180 since January 1, 2025, have only added data reporting elements.

Reasons Supporting Proposal: The proposed new rule incorporates the requirements of RCW 70.41.560 while clarifying how the department will interpret if the hospitals have met them or not. Together, RCW 70.41.560 and the proposed new rule set a standard that will improve compliance, allow hospitals to report in a way that meets requirements of this state legislature as well as federal standards, and increase the amount of information available to the public regarding the costs for services and items. It also provides some flexibility to hospitals in an effort to reduce the burden of repetitive and slightly different reporting requirements. Rule making is necessary to provide enforceable minimum standards for the reporting of hospital price transparency and cost data while aligning with RCW 70.41.560.

Statutory Authority for Adoption: RCW 70.41.030 and SSB 5493 (chapter 146, Laws of 2025), codified under RCW 70.41.560.

Statute Being Implemented: RCW 70.41.560.

Rule is not necessitated by federal law, federal or state court decision.

Name of Proponent: Department of health, governmental.

Name of Agency Personnel Responsible for Drafting, Implementation, and Enforcement: Tiffani Buck, 111 Israel Road S.E., Tumwater, WA 98501, 564-233-1121.

A school district fiscal impact statement is not required under RCW 28A.305.135.

A cost-benefit analysis is not required under RCW 34.05.328. The entire proposed rule is exempt from analysis: Subsection (1) is exempt under RCW 34.05.328 (5)(c)(i) as it is a procedural rule; subsection (2) is exempt under RCW 34.05.328 (5)(b)(iii) as it incorporates Washington state statute without material change and RCW 34.05.328 (5)(b)(iv) as it clarifies that submission of additional information is not in violation of the law; and subsection (3) is exempt under RCW 34.05.328 (5)(b)(iv) as it provides clarity by connecting data reporting requirements to existing enforcement standards in rule.

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(4).

Explanation of exemptions: The entire proposed rule is exempt under RCW 19.85.025(4) as it only applies to licensed acute care hospitals which do not meet the definition of "small business" under RCW 19.85.020.

Scope of exemption for rule proposal:

Is fully exempt.

September 10, 2026
Kristin Peterson, JD
Chief of Policy
for Dennis E. Worsham
Secretary of Health

RDS-7332.2

NEW SECTION

WAC 246-320-148 Hospital price transparency reporting requirements. (1) A hospital shall submit a machine-readable file containing the most recent list of all standard charges as described in RCW 70.41.560 to the department on an annual basis beginning July 1, 2027. All lists required under RCW 70.41.560 and this section must be submitted by July 1st of each year.

(2) To meet the requirements of subsection (1) of this section, a hospital may submit to the department a machine-readable file that meets the requirements for rules related to hospital price transparency pursuant to Title 45 C.F.R. Part 180, subparts A and B, if the information submitted is not less than what was required on January 1, 2025.

(3) The department may assess fines under WAC 246-320-013 against a hospital that fails to comply with this section.