



PROPOSED RULE MAKING

CR-102 (June 2004)

(Implements RCW 34.05.320)

Do NOT use for expedited rule making

Agency: Department of Health

- Preproposal Statement of Inquiry was filed as WSR ; or
- Expedited Rule Making--Proposed notice was filed as WSR ; or
- Proposal is exempt under RCW 34.05.310(4).

- Original Notice
- Supplemental Notice to WSR
- Continuance of WSR

Title of rule and other identifying information: (Describe Subject)
WAC 246-335-990, Fees. In-Home Services licensing fee increase.

Hearing location(s): Department of Health
Point Plaza East
Room 152 / 153
310 Israel Road SE
Tumwater, WA 98501-7852

Date: 04/04/2012

Time: 9:30am

Submit written comments to:

Name: John Hilger
Address: PO Box 47852
Olympia, WA 98504-7852
E-mail: john.hilger@doh.wa.gov
Website: <http://www3.doh.wa.gov/policyreview/>
fax 360-236-2901 by (date) 04/04/2012

Assistance for persons with disabilities: Contact

John Hilger by 03/28/2012

TTY (800) 833-6388 or () 711

Date of intended adoption: 04/18/2012

(Note: This is **NOT** the **effective** date)

Purpose of the proposal and its anticipated effects, including any changes in existing rules:

The proposed rules increase licensing fees for In-Home Services (IHS) agencies. In 2010, the department's General Fund State (GF-S) biennial funding of \$143,000 was eliminated for its IHS program. In 2011, the Washington State Legislature adopted the 2011-2013 Operating Budget (2ESHB 1087, C50, L11, 1st Special Session), giving the department authority to raise licensing fees to cover of the cost of administering the program.

Reasons supporting proposal:

RCW 43.70.250 requires the cost of each licensing program be fully borne by the members of that business. The department is required to periodically adjust fees at a sufficient level to defray the costs of administering its programs. Due to the loss of GF-S funding, current anticipated revenue is not sufficient to cover the costs of administering the IHS program. The loss of this funding has made it necessary for the department to request an increase in fees. These fees are critical to ensuring the safety of people receiving home and community based health services.

Statutory authority for adoption:

chapter 43.70 RCW; 2ESHB 1087, C50, L11, 1st Spec. Session

Statute being implemented:

chapter 43.70 RCW; 2ESHB 1087, C50, L11, 1st Spec. Session

Is rule necessary because of a:

- Federal Law? Yes No
 - Federal Court Decision? Yes No
 - State Court Decision? Yes No
- If yes, CITATION:

DATE 02/16/12

NAME (type or print)

Mary C. Selecky

SIGNATURE

TITLE

Secretary of Health

CODE REVISER USE ONLY

OFFICE OF THE CODE REVISER
STATE OF WASHINGTON
FILED

DATE: February 16, 2012

TIME: 2:34 PM

WSR 12-05-073

Agency comments or recommendations, if any, as to statutory language, implementation, enforcement, and fiscal matters:

None

Name of proponent: (person or organization) Department of Health

- Private
- Public
- Governmental

Name of agency personnel responsible for:

Name	Office Location	Phone
Drafting..... John Hilger	310 Israel Rd. SE Tumwater, WA 98501	(360) 236-2929
Implementation....John Hilger	310 Israel Rd. SE Tumwater, WA 98501	(360) 236-2929
Enforcement.....John Hilger	310 Israel Rd. SE Tumwater, WA 98501	(360) 236-2929

Has a small business economic impact statement been prepared under chapter 19.85 RCW?

Yes. Attach copy of small business economic impact statement.

A copy of the statement may be obtained by contacting:

Name:

Address:

phone

fax

e-mail

No. Explain why no statement was prepared.

A small business economic impact statement (SBEIS) was not prepared. Under RCW 19.85.025 and 34.05.310(4)(f), a SBEIS is not required for proposed rules that set or adjust fees or rates pursuant to legislative standards.

Is a cost-benefit analysis required under RCW 34.05.328?

Yes A preliminary cost-benefit analysis may be obtained by contacting:

Name:

Address:

phone

fax

e-mail

No: Please explain: The agency did not complete a cost benefit analysis under RCW 34.05.328. RCW 34.05.328(5)(b)(vi) exempts rules that set or adjust fees or rates pursuant to legislative standards.

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

WAC 246-335-990 Fees. (1) A licensee or applicant shall submit to the department:

(a) An initial twelve-month license fee of two thousand (~~one hundred sixty-two~~) four hundred thirty-two dollars for each service category for new persons not currently licensed in that category to provide in-home services in Washington state, or currently licensed businesses which have had statement of charges filed against them;

(b) A twenty-four month renewal fee (~~based on the number of full-time equivalents (FTEs), which is a measurement based on a forty-hour week and is applicable to paid agency personnel or contractors, or the number of beds, as follows~~) for home care, home health and hospice agencies, based on the number of full-time equivalents (FTEs), which is a measurement based on a forty-hour week and is applicable to paid agency personnel or contractors, according to the following table. A twenty-four month renewal fee for hospice care centers, based on the number of beds, according to the following table:

~~((c))~~ (i) For single service category licenses:

# of FTEs	Home Health	Hospice	Home Care	# of Beds	Hospice Care Center
5 or less	\$(2,162.00) <u>2,432.00</u>	\$(1,081.00) <u>1,216.00</u>	\$(649.00) <u>730.00</u>	5 or less	\$(720.00) <u>810.00</u>
6 to 15	\$(3,041.00) <u>3,421.00</u>	\$(1,138.00) <u>1,280.00</u>	\$(1,174.00) <u>1,321.00</u>	6 to 10	\$(1,442.00) <u>1,622.00</u>
16 to 50	\$(3,460.00) <u>3,893.00</u>	\$(1,694.00) <u>1,906.00</u>	\$(1,261.00) <u>1,419.00</u>	11 to 15	\$(2,162.00) <u>2,432.00</u>
51 to 100	\$(4,361.00) <u>4,906.00</u>	\$(2,713.00) <u>3,052.00</u>	\$(1,477.00) <u>1,662.00</u>	16 to 20	\$(2,883.00) <u>3,243.00</u>
101 or more	\$(4,491.00) <u>5,052.00</u>	\$(2,854.00) <u>3,211.00</u>	\$(1,586.00) <u>1,784.00</u>		

~~((d))~~ (ii) For multiple service category licenses:

~~((i))~~ (A) One hundred percent of the home health category fee and seventy-five percent of the appropriate service category fee for each additional service category (hospice, home care, hospice care center); or

~~((ii))~~ (B) One hundred percent of the hospice category fee and seventy-five percent of the appropriate service category fee for each additional service category (home care, hospice care center); and

~~((e))~~ (c) A change of ownership fee of two hundred (~~sixteen~~) fifty dollars for each licensed service category. A new license will be issued and valid for the remainder of the

current license period.

(2) The department may charge and collect from a licensee a fee of one thousand (~~(eighty-one)~~) two hundred ninety-seven dollars for:

(a) A second on-site visit resulting from failure of the licensee to adequately respond to a statement of deficiencies(~~(+)~~);

(b) A complete on-site survey resulting from a substantiated complaint; or

(c) A follow-up compliance survey.

(3) A licensee with deemed status shall pay fees according to this section.

(4) A licensee shall submit an additional late fee in the amount of (~~(thirty-six)~~) fifty dollars per day, not to exceed (~~(five)~~) six hundred fifty dollars, from the renewal date (which is thirty days before the current license expiration date) until the date of mailing the fee, as evidenced by the postmark.

(5) Refunds. The department shall refund fees paid by the applicant for initial licensure as follows:

(a) If an application has been received but no on-site survey or technical assistance has been performed by the department, two-thirds of the fees paid, less a fifty dollar processing fee; or

(b) If an application has been received and an on-site survey or technical assistance has been performed by the department, one-third of the fees paid, less a fifty dollar processing fee.

(6) The department may not refund applicant fees if:

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

(b) One year has elapsed since an initial licensure application is received by the department, but no license is issued because applicant failed to complete requirements for licensure; or

(c) The amount to be refunded as calculated by subsection (5)(a) or (b) of this section is ten dollars or less.