



EXPEDITED RULE MAKING

CR-105 (June 2004)
(Implements RCW 34.05.353)
EXPEDITED RULE MAKING ONLY

Agency: Department of Health

Title of rule and other identifying information: (Describe Subject)

Chapter 246-305 WAC Certification of Independent Review Organizations (IROs). Repeal.

Repealing all sections of this chapter as of 1/1/2017, to implement HB 2326 (chapter 139, Laws of 2016).

NOTICE

THIS RULE IS BEING PROPOSED UNDER AN EXPEDITED RULE-MAKING PROCESS THAT WILL ELIMINATE THE NEED FOR THE AGENCY TO HOLD PUBLIC HEARINGS, PREPARE A SMALL BUSINESS ECONOMIC IMPACT STATEMENT, OR PROVIDE RESPONSES TO THE CRITERIA FOR A SIGNIFICANT LEGISLATIVE RULE. IF YOU OBJECT TO THIS USE OF THE EXPEDITED RULE-MAKING PROCESS, YOU MUST EXPRESS YOUR OBJECTIONS IN WRITING AND THEY MUST BE SENT TO

Name: Sherry Thomas

Agency: Department of Health

Address: PO Box 47850, Olympia, WA, 98504-7850

AND RECEIVED BY (Date) 10/24/2016

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

On 1/1/2017, regulation of independent review organizations (IROs) moves to the Office of the Insurance Commissioner (OIC) necessitating the Department of Health (department) repeal of chapter 246-305 WAC. The OIC is adopting new rules to replace chapter 246-305 WAC to be effective 1/1/2017, and is working with the department to transfer other elements of the IRO program.

Reasons supporting proposal:

House Bill (HB) 2326 (chapter 139, Laws of 2016) transfers all regulatory authority of IROs from the department to OIC. OIC is adopting rules to implement this transfer of authority effective 1/1/2017, for which the department will no longer have statutory authority over these rules. Expedited rulemaking is appropriate because the statute on which the rule is based is repealed 1/1/2017, and has not been replaced by another statute providing the department statutory authority for the rule, per RCW 34.05.353(2)(a).

Statutory authority for adoption: HB 2326 (chapter 139, Laws of 2016)

Statute being implemented: HB 2326 (chapter 139, Laws of 2016)

Is rule necessary because of a:

Federal Law?	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
Federal Court Decision?	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
State Court Decision?	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No

If yes, CITATION:

CODE REVISER USE ONLY

OFFICE OF THE CODE REVISER
STATE OF WASHINGTON
FILED

DATE: August 12, 2016

TIME: 4:10 PM

WSR 16-17-059

DATE 08/12/2016

NAME (TYPE OR PRINT)

John Wiesman, DrPH, MPH

SIGNATURE

, DrPH, MPH

TITLE

Secretary of Health

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

- Private
- Public
- Governmental

Name of agency personnel responsible for:

	Name	Office Location	Phone
Drafting.....	Nancy Elliott	111 Israel Rd SE, Tumwater, WA 98501	360-236-4878
Implementation....	Sherry Thomas	111 Israel Rd SE, Tumwater, WA 98501	360-236-4612
Enforcement.....	Sherry Thomas	111 Israel Rd SE, Tumwater, WA 98501	360-236-4612

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

None

REPEALER

The following chapter of the Washington Administrative Code is repealed:

- WAC 246-305-001 Purpose and scope.
- WAC 246-305-010 Definitions.
- WAC 246-305-020 General requirements for certification.
- WAC 246-305-030 Conflict of interest.
- WAC 246-305-040 Expert reviewers.
- WAC 246-305-050 Independent review process.
- WAC 246-305-051 Additional requirements for experimental or investigational treatment reviews.
- WAC 246-305-060 Criteria and considerations for independent review determinations.
- WAC 246-305-070 Administrative processes and capabilities of IROs.
- WAC 246-305-080 Application for certification as an IRO.
- WAC 246-305-090 Ongoing requirements for IROs.
- WAC 246-305-100 Powers of the department.
- WAC 246-305-110 Grounds for action against an applicant or a certified IRO.
- WAC 246-305-990 Maximum fee schedule.