



PROPOSED RULE MAKING

CR-102 (June 2012)

(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) or 34.05.330(1).

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

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

WAC 246-320-199, 246-322-990 and 246-324-990. The department proposes to increase licensing fees for acute care, psychiatric, and alcohol and chemical dependency hospitals to provide alternative funding for hospital fire code inspections performed by the Washington State Patrol - State Fire Marshal's Office under RCW 70.41.080 and 71.12.485.

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

Date: 7/27/2017

Time: 11:00

Submit written comments to:

Name: Sherry Thomas, Policy Coordinator
Address: Department of Health
Health Systems Quality Assurance
PO Box 47850
Olympia, WA 98504-7850
e-mail: <https://fortress.wa.gov/doh/policyreview>
fax 360-236-2901 by (date) 7/27/2017

Assistance for persons with disabilities: Contact

Sherry Thomas by 7/13/2017

TTY (800) 833-6388 or () 711

Date of intended adoption: 8/10/2017

(Note: This is NOT the effective date)

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

The proposed rules raise hospital initial and annual renewal licensing fees by \$15 dollars per bed. Revenue from this increase will pay the projected cost of regular periodic fire code inspections required by law. The current funding source, the Fire Protection Contractor License Account, was not intended to cover the current and projected volume of hospital fire code inspections and is being depleted.

Reasons supporting proposal:

The proposed fees would provide consistent revenue that assures resources will be available for the State Fire Marshal's Office to provide timely hospital fire code inspections integral to protecting the safety and health of hospital patients, staff and the public.

Statutory authority for adoption:

RCW 70.41.030, 71.12.670, 43.70.110 and 43.70.250

Statute being implemented:

RCW 70.41.080, 70.41.100, 71.12.470, 71.12.485, 43.20B.110

Is rule necessary because of a:

- Federal Law? Yes No
- Federal Court Decision? Yes No
- State Court Decision? Yes No

If yes, CITATION:

CODE REVISER USE ONLY

OFFICE OF THE CODE REVISER
STATE OF WASHINGTON
FILED

DATE: **June 05, 2017**

TIME: **3:47 PM**

WSR **17-12-083**

DATE 06/05/2017

NAME (type or print)

John Wiseman, DrPH, MPH

SIGNATURE

John Wiseman, DrPH, MPH

TITLE

Secretary of Health

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..... Sherry Thomas	111 Israel Road SE, Tumwater, WA 98501	360-236-4612
Implementation....Nancy Tyson	111 Israel Rd. SE, Tumwater, WA 98501	360-236-4796
Enforcement.....Nancy Tyson	111 Israel Rd. SE, Tumwater, WA 98501	360-236-4796

Has a small business economic impact statement been prepared under chapter 19.85 RCW or has a school district fiscal impact statement been prepared under section 1, chapter 210, Laws of 2012?

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 12-11-058, filed 5/15/12, effective 6/15/12)

WAC 246-320-199 Fees. This section establishes the ~~((license))~~ initial licensure and annual ~~((use))~~ fees for hospitals licensed under chapter 70.41 RCW. The license must be renewed every three years.

(1) Applicants ~~((must))~~ and licensees shall submit to the department:

(a) ~~((Send the department))~~ An initial license fee of one hundred ~~((twenty-three))~~ thirty-eight dollars for each bed space within the authorized bed capacity for the hospital;

(b) An annual fee of one hundred thirty-eight dollars for each bed space within the authorized bed capacity of the hospital by November 30th of the year.

(2) As used in this section, a bed space:

(a) Includes all bed spaces in rooms complying with physical plant and movable equipment requirements of this chapter for twenty-four-hour assigned patient care;

~~((e))~~ (b) Includes level 2 and 3 bassinet spaces;

~~((d))~~ (c) Includes bed spaces assigned for less than twenty-four-hour patient use as part of the licensed bed capacity when:

(i) Physical plant requirements of this chapter are met without movable equipment; and

(ii) The hospital currently possesses the required movable equipment and certifies this fact to the department ~~((+e))~~.

(d) Excludes all normal infant bassinets ~~((-~~

~~(2) Licensees shall:~~

~~(a) Send the department by November 30 of each year an annual use fee of one hundred twenty three dollars for each bed space within the authorized bed capacity of the hospital;~~

~~(b) Include all bed spaces in rooms complying with physical plant and movable equipment requirements of this chapter for twenty four-hour assigned patient rooms;~~

~~(c) Include level 2 and 3 bassinet spaces;~~

~~(d) Include bed spaces assigned for less than twenty four hour patient use as part of the licensed bed capacity when:~~

~~(i) Physical plant requirements of this chapter are met without movable equipment; and~~

~~(ii) The hospital currently possesses the required movable equipment and certifies this fact to the department;~~

~~(e) Exclude all normal infant bassinets; and~~

~~(f))~~;

(e) Excludes beds banked as authorized by certificate of need under chapter 70.38 RCW.

(3) A licensee shall ~~((send))~~ submit to the department a late fee in the amount of one hundred dollars per day whenever the annual use fee is not paid by November 30. The total late fee will not exceed twelve hundred dollars.

(4) An applicant may request a refund for initial licensure as follows:

(a) Two-thirds of the initial fee paid after the department has received an application and not conducted an on-site survey or provided technical assistance; or

(b) One-third of the initial fee paid after the department has received an application and conducted either an on-site survey or provided technical assistance but not issued a license.

WAC 246-324-990 Fees. This section establishes the initial licensure and annual fees for private alcohol and chemical dependency hospitals licensed under chapter 71.12 RCW.

(1) Applicants and licensees shall submit to the department:

(a) An initial licensure fee of ~~((seventy))~~ eighty-five dollars ~~((and zero cents))~~ for each bed space within the proposed licensed bed capacity; and

(b) An annual ~~((renewal))~~ fee of ~~((seventy))~~ eighty-five dollars ~~((and zero cents))~~ for each licensed bed space.

(2) Refunds. The department shall refund fees paid by the applicant for initial licensure if:

(a) The department has received an application but has not conducted an on-site survey or provided technical assistance, the department will refund two-thirds of the fees paid, less a fifty dollar processing fee.

(b) The department has received an application and has conducted an on-site survey or provided technical assistance, the department will refund one-third of the fees paid, less a fifty dollar processing fee.

(c) The department will not refund fees if:

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

(ii) One year has elapsed since an initial licensure application is received by the department, and the department has not issued the license because applicant has failed to complete requirements for licensure; or

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

WAC 246-322-990 Private psychiatric hospital fees. This section establishes the initial licensure and annual fees for private psychiatric hospitals licensed under chapter 71.12 RCW.

(1) Applicants and licensees shall:

(a) Submit ~~((an annual))~~ to the department an initial licensure fee of ~~((seventy))~~ eighty-five dollars ~~((and zero cents))~~ for each bed space within the licensed bed capacity of the hospital to the department;

(b) Submit to the department an annual fee of eighty-five dollars for each bed space within the licensed bed capacity of the hospital to the department;

(c) Include all bed spaces and rooms complying with physical plant and movable equipment requirements of this chapter for twenty-four-hour assigned patient rooms;

~~((e))~~ (d) Include bed spaces assigned for less than twenty-four-hour patient use as part of the licensed bed capacity when:

(i) Physical plant requirements of this chapter are met without movable equipment; and

(ii) The private psychiatric hospital currently possesses the required movable equipment and certifies this fact to the department;

~~((d))~~ (e) Limit licensed bed spaces as required under chapter 70.38 RCW;

~~((e))~~ (f) Submit applications for bed additions to the department for review and approval under chapter 70.38 RCW subsequent to department establishment of the private psychiatric hospital's licensed bed capacity;

~~((f))~~ (g) Set up twenty-four-hour assigned patient beds only within the licensed bed capacity approved by the department.

(2) Refunds. The department shall refund fees paid by the applicant for initial licensure if:

(a) The department has received the application but has not conducted an on-site survey or provided technical assistance, the department will refund two-thirds of the fees paid, less a fifty dollar processing fee.

(b) The department has received the application and has conducted an on-site survey or provided technical assistance, the department will refund one-third of the fees paid, less a fifty dollar processing fee.

(c) The department will not refund fees if:

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

(ii) One year has elapsed since an initial licensure application is received by the department, and the department has not issued the license because the applicant has failed to complete requirements for licensure; or

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