

Workbook for January 4 Rule Workshop

Agenda:	<ul style="list-style-type: none"> • Welcome and review of November 28 rule workshop. • Draft language discussion • Next Steps
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WAC Section	Public comment: Draft rule language	CN Response	Draft Language	Action items
WAC 246-310-800 Kidney disease treatment center – Definitions	No comments		WAC 246-310-800(2) – amended “Northwest Renal Network’s” to “ESRD Network 16’s.”	None
			WAC 246-310-800(7) – amended “Northwest Renal Network” to “ESRD Network 16.”	
WAC 246-310-803 Kidney disease treatment facilities – Data reporting requirements	No comments		No draft language added to section	None
WAC 246-310-806 Kidney disease treatment facilities – concurrent review cycles	No comments		No draft language added to section	None
WAC 246-310-809 One-time exempt isolation station reconciliation	No comments		No draft language added to section	None
WAC 246-310-812 Kidney disease treatment facilities – Methodology	No comments		WAC 246-310-812(2) – amended “Northwest Renal Network” to “ESRD Network 16.”	None
			WAC 246-310-812(4)(d) - Added the following bolded language : (d) To determine the net station need for a planning area, subtract the number calculated in (c) of this subsection from the total number of certificate of need approved stations located in the planning area. This number does not include the one department recognized exempt isolation station defined in WAC 246-310-800(9), nor does it include any dialysis stations	

			<p>added during a temporary emergency situation as defined in WAC 246-310-825 and RCW 70.38.280. For example, a kidney dialysis facility that is certificate of need approved and certified for eleven stations would subtract the one exempt isolation station and use ten stations for the methodology calculations.</p>	
			<p>WAC 246-310-812(5)(a) – Added the following bolded language:</p> <p>(a) All stations for a facility have been in operation for at least three years, excluding temporary emergency stations defined in WAC 246-310-825 and RCW 70.38.280; or</p>	
			<p>WAC 246-310-812(5)(b) – amended “Northwest Renal Network” to “ESRD Network 16.”</p>	
			<p>WAC 246-310-812(5)(b)(i) – Added the following bolded language:</p> <p>(i) If a facility was affected by a temporary emergency situation, as defined in WAC 246-310-825 and RCW 70.38.280, at the time of the patient census estimates presented in the most recent quarterly modality report from ESRD Network 16 as of the letter of intent submission date, then the census data for the affected facility must come from the quarterly modality report from the ESRD Network 16 that directly precedes the date that the temporary emergency situation exemption request was submitted to the department for the affected facility.</p>	

	<p>DaVita proposed adding to 812(5)(c):</p> <p>(i) If a facility was affected by a temporary emergency situation, as defined in RCW 70.38.280, at the time of the patient census estimates presented in the most recent quarterly modality report from the ESRD Network as of the letter of intent submission date, then the census data for the affected facility must come from the quarterly modality report from the Northwest Renal Network that directly precedes the date that the temporary emergency situation exemption request was submitted to the department for the affected facility.</p>	<p>Discussed proposed language at 11/28/23 rule workshop. Consensus that addition of language would add clarity to patient census data.</p>	<p>Added the following language to 812(5)(c):</p> <p>(i) If a facility was affected by a temporary emergency situation, as defined in RCW 70.38.280, at the time of the patient census estimates presented in the most recent quarterly modality report from the ESRD Network as of the letter of intent submission date, then the census data for the affected facility must come from the quarterly modality report from the Northwest Renal Network that directly precedes the date that the temporary emergency situation exemption request was submitted to the department for the affected facility.</p>	
	<p>None</p>		<p>WAC 246-310-812(6)(a) – Added the following bolded language:</p> <p>(a) All stations for a facility have been in operation for at least three years, excluding temporary emergency stations defined in WAC 246-310-825 and RCW 70.38.280; or</p>	
	<p>None</p>		<p>WAC 246-310-812(6)(c) – Added the following bolded language:</p> <p>(c) A facility was affected by a temporary emergency, as defined in WAC 246-310-825 and RCW 70.38.280, at the time of the patient census estimates presented in the most recent quarterly modality report from the ESRD Network as of the letter of intent submission date.</p>	

	None		WAC 246-310-812(7) – amended “Northwest Renal Network” to “ESRD Network 16.”	
WAC 246-310-815 Kidney disease treatment facilities – Financial feasibility	No comments		No draft language added to section	None
WAC 246-310-818 Special circumstances one-or two-station expansion- Eligibility criteria and application process.	No comments		WAC 246-310-818(1)(a) – amended “Northwest Renal Network” to “ESRD Network 16.”	None
	No comments		WAC 246-310-818(1)(b) – amended “Northwest Renal Network” to “ESRD Network 16.”	
	No comments		WAC 246-310-818(5) – amended “Northwest Renal Network” to “ESRD Network 16.”	
	No comments		WAC 246-310-818(6) – amended “Northwest Renal Network” to “ESRD Network 16.”	
	Fresenius proposed adding (b) and (c) to 818(14): (14) The department will review special circumstance requests with the following considerations related to temporary emergency stations defined in WAC 246-310-825: (a) All calculations described in this section exclude temporary emergency stations. (b) A facility that operated temporary emergency stations during the most recent six consecutive month period preceding the letter of intent	Discussed proposed language at 11/28/23 rule workshop. Consensus that clarification needed about ability of facility to apply for special circumstances.	Added the following language to 818(14): (b) A facility that operated temporary emergency stations during the most recent six consecutive month period preceding the letter of intent submission date is ineligible for applying for special circumstances unless the temporary emergency stations were approved to address a staffing shortage emergency situation identified in RCW 70.38.280(2)(d). (c) Pursuant to RCW 70.38.280(2)(d), a facility that operated temporary emergency stations due to a staffing shortage emergency situation may not exceed the number of	

	<p>submission date is ineligible for applying for special circumstances unless the temporary emergency stations were approved to address a staffing shortage emergency situation identified in RCW 70.38.280(2)(d).</p> <p>(c) Pursuant to RCW 70.38.280(2)(d), a facility that operated temporary emergency stations due to a staffing shortage emergency situation may not exceed the number of patients served at the time of the emergency request. All calculations described in this section for the review of a facility that operated temporary emergency stations due to staffing shortage emergency will have its patient census reported in the ESRD Network 16 data set to a maximum of the patients served at the time of the emergency request for the months when the temporary emergency was in effect.</p>		<p>patients served at the time of the emergency request. All calculations described in this section for the review of a facility that operated temporary emergency stations due to staffing shortage emergency will have its patient census reported in the ESRD Network 16 data set to a maximum of the patients served at the time of the emergency request for the months when the temporary emergency was in effect.</p>	
	<p>Fresenius recommended that references to the new temporary emergency exemption rules include references to both WAC 246-310-825 and RCW 70.38.280</p>	<p>Discussed proposed language at 11/28/23 rule workshop. Consensus that adding statutory reference increased clarity.</p>	<p>Added the following bolded language to 818(14):</p> <p>(14) The department will review special circumstance requests with the following considerations related to temporary emergency stations defined in WAC 246-310-825 and RCW 70.38.280:</p>	
<p>WAC 246-310-821 Kidney disease treatment facilities- Standards for planning areas</p>	<p>No comments</p>		<p>WAC 246-310-821(1)(b) – amended “Northwest Renal Network” to “ESRD Network 16.”</p>	<p>None</p>

without an existing facility				
WAC 246-310-824 Kidney disease treatment centers - exceptions	No comments		WAC 246-310-824(3)(b) – amended “Northwest Renal Network” to “ESRD Network 16.”	Uses “center” rather than “facility” for section title.
NEW SECTION WAC 246-310-825 Temporary Emergency Situation Exemption	WAC 246-310-825 – Title Fresenius proposed amending title to state “Kidney disease treatment centers” rather than “Kidney disease treatment facilities.”	WAC 246-310-825 – Title Discussed proposed language at 11/28/23 rule workshop. Consensus that references to ESRD clinics should be consistent. CN supports using “Kidney disease treatment centers” rather than “Kidney disease treatment facilities.”	WAC 246-310-825 – Title Amended title of WAC 246-310-825 to “Kidney disease treatment centers- Temporary emergency situation exemption”	
	WAC 246-310-825(3)(b) Fresenius proposed adding clarifying language to (3)(b) addressing what information a kidney disease treatment center should submit to department regarding affected facilities.	WAC 246-310-825(3)(b) Discussed proposed language at 11/28/23 rule workshop. Consensus that clarity on what information department needs is helpful, and also allows department to provide information that assists ESRDs in planning for future application cycles.	WAC 246-310-825(3)(b) Added the following bolded language to 825(3)(b): (b) For temporary emergency situations other than those caused by staffing shortages, identify each facility expected to be affected by the temporary emergency situation. “Facilities expected to be affected by the temporary emergency situation” includes the facility requesting temporary emergency stations and any facility that suspends operations due to circumstances that qualify as a temporary emergency situation.	
	WAC 246-310-825(3)(c)-(e) At 11/28 rule workshop, discussed what other information facilities should provide at time of exemption request. Identified the following types: <ul style="list-style-type: none"> Number of stations being added 	WAC 246-310-825(3)(c)-(e) Consensus that clarity on what information department needs is helpful, and allows department to provide information that assists ESRDs in planning for future application cycles.	WAC 246-310-825(3)(c)-(e) Added the following language to 825(3)(c)-(e): (c) The number of stations the facility intends to add during the duration of the temporary emergency situation;	

	<ul style="list-style-type: none"> • Number of shifts the facility will operate during emergency • Whether a capital expenditure was made 		<p>(d) The number of shifts the facility proposes to operate during the duration of the temporary emergency situation; and</p> <p>(e) Whether a capital expenditure is made to remedy the temporary emergency situation.</p>	
WAC 246-310-827 Kidney disease treatment facilities – superiority criteria	No comments.		WAC 246-310-827(2) – amended “Northwest Renal Network” to “ESRD Network 16.”	None
WAC 246-310-830 Kidney disease treatment facilities— Relocation of facilities	No comments.		<p>WAC 246-310-830(5) – amended “Northwest Renal Network” to “ESRD Network 16.”</p> <p>WAC 246-310-830(6) – amended “Northwest Renal Network” to “ESRD Network 16.”</p>	None
WAC 246-310-833 One-time state border kidney dialysis facility station relocation	No comments.		WAC 246-310-833(1)(k)(ii) – amended “Northwest Renal Network” to “ESRD Network 16.”	None