



# PREPROPOSAL STATEMENT OF INQUIRY

## CR-101 (October 2017) (Implements RCW 34.05.310)

Do NOT use for expedited rule making

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FILED

DATE: November 22, 2024

TIME: 4:05 PM

WSR 24-24-023

**Agency:** Department of Health

**Subject of possible rule making:** Residential Treatment Facilities (RTF) and private psychiatric hospital regulations as they relate to licensing fees of Indian health care providers as establishments.

The Department of Health (department) is considering amendments to RTF regulations in WACs 246-337-010 and 246-337-990 along with private psychiatric hospital regulations in WACs 246-322-020 and 246-322-990 to implement Substitute House Bill (SHB) 2075 (chapter 204, Laws of 2024). SHB 2075 directs the department to issue RTF and private psychiatric hospital licenses to Indian health care providers by July 1, 2025, if the provider submits a tribal attestation and an attestation processing fee. Updates may include other relevant section amendments to licensing regulations in chapters 246-322 and 246-337 WAC. The department may also consider amending the Behavioral Health Agency (BHA) regulations in WAC 246-341-0367 regarding tribal attestation fees to align with RTF and private psychiatric hospital tribal attestation fees.

**Statutes authorizing the agency to adopt rules on this subject:** RCWs 43.70.250, 43.70.280, 71.24.037, and SHB 2075 (chapter 204, Laws of 2024) codified as RCW 71.12.460.

**Reasons why rules on this subject may be needed and what they might accomplish:** SHB 2075 requires the department to issue licenses to an Indian health care provider, as defined in RCW 71.24.025, attesting to have met the state minimum standards for RTFs and private psychiatric hospitals. In order to comply with the requirements in RCW 71.12.460, the department must establish a fee to cover the administrative processing costs of an attestation and have the ability to begin issuing licenses under attestation to Indian health care providers by July 1, 2025.

**Identify other federal and state agencies that regulate this subject and the process coordinating the rule with these agencies:** None

**Process for developing new rule (check all that apply):**

- Negotiated rule making
- Pilot rule making
- Agency study
- Other (describe) Collaborative rulemaking

**Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting:**

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Other:

Other:

Additional comments: The department will use existing GovDelivery lists and other known contact information to inform interested parties of opportunities to provide input on proposed rule language. To find out more information about our rule making, visit [www.doh.wa.gov](http://www.doh.wa.gov). To subscribe to GovDelivery, please visit [www.doh.wa.gov](http://www.doh.wa.gov), and select the "Sign up for Updates From DOH" button at the bottom of the page. After signing in, please click open the box labeled "Health Systems Quality Assurance." Next, click open the box labeled "Community Health Systems," and then click "Facilities" or select the relevant facility type(s).

**Date:** November 22, 2024

**Name:** Kristin Peterson, JD for Umair A. Shah, MD, MPH

**Title:** Chief of Policy for Secretary of Health

**Signature:**

A handwritten signature in cursive script that reads "Kristin Peterson".