



STATE OF WASHINGTON
DEPARTMENT OF HEALTH
Olympia, Washington 98504

November 26, 2019

Gary Castillo, Executive Director
Chaplaincy Health Care
1480 Fowler St
Richland, WA 99352-4717

RE: Determination of Reviewability #20-08

Dear Mr. Castillo:

The Department of Health has completed the review of your request that the department determine whether construction of a replacement hospice care center in Benton County to replace Chaplaincy Hospice House is subject to the Certificate of Need requirements under Revised Code of Washington (RCW) 70.38 and Washington Administrative Code (WAC) 246-310. For the reasons stated below, the department concludes that the proposed replacement hospice care center is subject to Certificate of Need review pursuant to WAC 246-310-020(1)(a) as the construction, development, or other establishment of a new health care facility.

Below is the information considered and the facts relied upon by the Certificate of Need Program in reaching its conclusion regarding your project.

INFORMATION CONSIDERED

- Chaplaincy Health Care's exemption letter received October 7, 2019
- Revised Code of Washington (RCW) 70.38
- Washington Administrative Code (WAC) 246-310
- MultiCare Health System v. Department of Health, 118 Wash.App. 597. Court of Appeals of Washington, Division 2
- Washington Department of Revenue information obtained from its website
- Department of Health Integrated Licensing and Regulatory System (ILRS)
- Previous Determination of Reviewability decisions issued by the department for facility replacement projects.

FACTS CONSIDERED

- Chaplaincy Health Care owns and operates Chaplaincy Hospice House located in Kennewick within Benton County.
- Chaplaincy Health Care is currently registered with the Washington State Department of Revenue. [source: Washington State Department of Revenue website]
- Chaplaincy Health Care is currently licensed for 10 hospice care center beds at their hospice house, located at 2108 West Entiat Avenue in Kennewick, WA [9936]
- Chaplaincy Health Care intends to construct a new facility on a new site in Richland, approximately 5.6 miles from the current facility.
- The site for the replacement hospice care center is located within Benton County, which is one of the two approved planning areas for the existing hospice agency.
- Chaplaincy Health Care would continue to own and operate the hospice care center at the new site.
- No hospice care center services would continue to operate at the current location after the new facility is operational.

CONCLUSION

Based on the totality of information considered, the department concludes that the proposed project, the construction of a replacement hospice care center for Chaplaincy Health Care on the site identified above, involves construction of a new facility that will be required to qualify for a license under chapter 70.41 RCW. Accordingly, the department concludes that the replacement hospice care center is subject to Certificate of Need review pursuant to WAC 246-310-020(1)(a) as the construction, development, or other establishment of a new health care facility.¹

APPEAL OPTION

This decision may be appealed. You or any person with standing may request an adjudicative proceeding to contest this decision within 28 calendar days from the date of this letter. The notice of appeal must be filed according to the provisions of Revised Code of Washington 34.05 and Washington Administrative Code 246-310-610. A request for an adjudicative proceeding must be received within the 28 days at one of the addresses listed below.

Mailing Address:

Department of Health
Adjudicative Service Unit
Mail Stop 47879
Olympia, WA 98504-7879

Physical Address

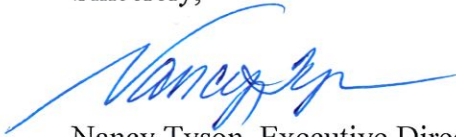
Department of Health
Adjudicative Service Unit
111 Israel Road SE
Tumwater, WA 98501

¹ Health Care Facility is defined under both RCW Chapter 70.38 and WAC 246-310. These definitions vary slightly – statute supersedes rule. The definition of “health care facility” under RCW 70.38.025(6) is quoted here with **emphasis** added: “Health care facility” means hospices, **hospice care centers**, hospitals, psychiatric hospitals, nursing homes, kidney disease treatment centers, ambulatory surgical facilities, and home health agencies, and....”

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If you have any questions, please call me at (360) 236-2955.

Sincerely,



Nancy Tyson, Executive Director
Health Facilities and Certificate of Need
Community Health Systems

cc: Department of Health, Investigations and Inspections Office
Department of Health, Construction Review Services