



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: January 02, 2025

TIME: 1:16 PM

WSR 25-03-002

Agency: Department of Health

Subject of possible rule making: Uniform Facility Enforcement Framework for Behavioral Health Agencies (BHA). The Department of Health (department) is considering amending rules and establishing a new section in chapter 246-341 WAC to implement a uniform enforcement tool for BHAs as provided by Engrossed Substitute Senate Bill (ESSB) 5271 (chapter 121, Laws of 2024). Other amendments to sections in chapter 246-341 WAC to implement ESSB 5271 may also be considered.

Statutes authorizing the agency to adopt rules on this subject: RCW 71.24.038 and ESSB 5271 (chapter 121, Laws of 2024)

Reasons why rules on this subject may be needed and what they might accomplish: ESSB 5271 was passed in 2024 with the intent of establishing uniform enforcement tools to protect patients in facilities regulated by the department. This includes BHAs. The law authorizes the department to assess a civil fine of up to \$3,000 per violation when a BHA is found to subsequently be in violation of the same or similar statute(s) or rule(s). Section 27(7)(b)(iii) of ESSB 5271, codified as RCW 71.24.038, requires the department to adopt a rule to establish specific fine amounts in relation to the severity of a BHA's noncompliance and at an adequate level to deter future noncompliance.

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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Additional comments: The department will use existing GovDelivery lists and other known contact information to inform interested parties of opportunities to provide input. To find out more information about our rule making, visit www.doh.wa.gov. To subscribe to GovDelivery, please visit 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 Licensing and Certificate of Need" or "Behavioral Health Care Integration" or select the relevant facility type(s).

Date: January 2, 2025

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, appearing to read "Kristin Peterson".