



PREPROPOSAL STATEMENT OF INQUIRY

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

Do **NOT** use for expedited rule making

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DATE: September 24, 2026

TIME: 7:56 AM

WSR 26-20-007

Agency: Department of Health

Subject of possible rule making: Private Alcohol and Chemical Dependency Hospitals - Repealing chapter 246-324 WAC and amending applicable sections of chapters 246-314, 246-320, 246-322, and 246-341 WAC. The Department of Health (department) is considering repealing chapter 246-324 WAC, Private Alcohol and Chemical Dependency Hospitals, to decrease the regulatory burden on health care facilities that diagnose, treat, and care for people with signs and symptoms of alcoholism and associated substance use, and to eliminate redundancy between chapter 246-322 and 246-324 WAC. The department is considering amending applicable sections of chapter 246-322 WAC for the purpose of incorporating any necessary requirements into this chapter. The department is also considering amending applicable sections of chapters 246-314, 246-320, 246-322, and 246-341 WAC to correct cross references and make other technical corrections related to repealing chapter 246-324 WAC. The department will also take the opportunity to incorporate input from partners and interested parties.

Statutes authorizing the agency to adopt rules on this subject: RCW 43.70.040, 70.41.030, 71.12.670, and 71.24.037

Reasons why rules on this subject may be needed and what they might accomplish: The department has authority, under chapter 71.12 RCW, to license behavioral health hospitals, formerly called psychiatric hospitals, which is defined in RCW 71.12.455(6) as "an establishment caring for any person with mental illness or substance use disorder excluding acute care hospitals licensed under chapter 70.41 RCW, state psychiatric hospitals established under chapter 72.23 RCW, and residential treatment facilities as defined in this section."

Since 1995, the department has been licensing private psychiatric and alcoholism hospitals under chapter 246-322 WAC, as well as private alcohol and chemical dependency hospitals under chapter 246-324 WAC, which are not mentioned in statute. The current regulatory structure of two license types, one for private psychiatric and alcoholism hospitals, and one for private alcohol and chemical dependency hospitals, is redundant and confusing for the regulated community.

Since at least December 2022, there have been no hospitals in Washington state licensed exclusively as an alcohol and chemical dependency hospital. Additionally, there is only one hospital that holds both types of licenses.

Before initiating this rulemaking project, the department consulted with the Office of the Attorney General, the department's Certificate of Need Program, and the above referenced hospital itself, in order to better understand the potential impacts of eliminating the alcohol and chemical dependency license type. Based on these conversations, the department believes that eliminating the alcohol and chemical dependency license would not impact the hospital's ability to provide alcohol and chemical dependency services to patients. The department also does not anticipate future interest in this license type from other facilities, due to the often co-occurring nature of mental illness and substance use disorder. The department will further explore potential impacts, to both the licensing process and patient access and care, with interested parties during rulemaking workshops.

The department will also take the opportunity to incorporate input from partners and interested parties.

Identify other federal and state agencies that regulate this subject and the process coordinating the rule with these agencies: The department will work closely with the Health Care Authority, Labor & Industries, and other interested agencies on this rulemaking.

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:

	(If necessary)
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Additional comments: Interested parties may participate in this rulemaking project by joining the department's interested parties list, attending workshops and providing input on this proposed action. To find out more information about our rulemaking and to be included on the interested parties list, please follow these steps: 1) Go to www.doh.wa.gov; 2) Click on the "Sign up for updates from DOH" button on the bottom of the page; 3) Enter your contact information; 4) Click "Sign up for Updates From DOH"; 5) Under the subscription preferences, scroll to "Facilities" and check the box that says "Hospitals"; 6) Scroll to the bottom of the page and click "Submit."

Date: September 24, 2026**Name:** Kristin Peterson, JD for Dennis E. Worsham**Title:** Chief of Policy for Secretary of Health**Signature:**