



RULE-MAKING ORDER

CR-103P (May 2009)
(Implements RCW 34.05.360)

Agency: Department of Health

Permanent Rule Only

Effective date of rule:

Permanent Rules

31 days after filing.

Other (specify) 06/30/2012 (If less than 31 days after filing, a specific finding under RCW 34.05.380(3) is required and should be stated below)

Any other findings required by other provisions of law as precondition to adoption or effectiveness of rule?

Yes No If Yes, explain:

Purpose: WAC 246-335-990, In-Home Services (IHS) Fees. In 2011, the Washington State Legislature adopted the 2011-2013 Operating Budget (2ESHB 1087, C50, L11, 1st Special Session), giving the department authority to raise IHS licensing fees to cover of the cost of administering the program.

Citation of existing rules affected by this order:

Repealed: None
Amended: WAC 246-335-990
Suspended: None

Statutory authority for adoption: chapter 43.70 RCW; 2ESHB 1087, C50, L11, 1st Spec. Session

Other authority :

PERMANENT RULE (Including Expedited Rule Making)

Adopted under notice filed as WSR 12-05-073 on 02/16/2012 (date).
Describe any changes other than editing from proposed to adopted version: None

If a preliminary cost-benefit analysis was prepared under RCW 34.05.328, a final cost-benefit analysis is available by contacting:

Name: phone
Address: fax
e-mail

Date adopted:

May 15, 2012

NAME (TYPE OR PRINT)

Mary C. Selecky

SIGNATURE

TITLE

Secretary of Health

CODE REVISER USE ONLY

OFFICE OF THE CODE REVISER
STATE OF WASHINGTON
FILED

DATE: May 15, 2012

TIME: 11:29 AM

WSR 12-11-063

**Note: If any category is left blank, it will be calculated as zero.
No descriptive text.**

**Count by whole WAC sections only, from the WAC number through the history note.
A section may be counted in more than one category.**

The number of sections adopted in order to comply with:

Federal statute:	New	<u>0</u>	Amended	<u>0</u>	Repealed	<u>0</u>
Federal rules or standards:	New	<u>0</u>	Amended	<u>0</u>	Repealed	<u>0</u>
Recently enacted state statutes:	New	<u>0</u>	Amended	<u>1</u>	Repealed	<u>0</u>

The number of sections adopted at the request of a nongovernmental entity:

New	<u>0</u>	Amended	<u>0</u>	Repealed	<u>0</u>
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The number of sections adopted in the agency's own initiative:

New	<u>0</u>	Amended	<u>0</u>	Repealed	<u>0</u>
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The number of sections adopted in order to clarify, streamline, or reform agency procedures:

New	<u>0</u>	Amended	<u>1</u>	Repealed	<u>0</u>
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The number of sections adopted using:

Negotiated rule making:	New	<u>0</u>	Amended	<u>0</u>	Repealed	<u>0</u>
Pilot rule making:	New	<u>0</u>	Amended	<u>0</u>	Repealed	<u>0</u>
Other alternative rule making:	New	<u>0</u>	Amended	<u>1</u>	Repealed	<u>0</u>

AMENDATORY SECTION (Amending WSR 08-12-036, filed 5/30/08, effective 7/1/08)

WAC 246-335-990 Fees. (1) A licensee or applicant shall submit to the department:

(a) An initial twelve-month license fee of two thousand (~~one hundred sixty-two~~) four hundred thirty-two dollars for each service category for new persons not currently licensed in that category to provide in-home services in Washington state, or currently licensed businesses which have had statement of charges filed against them;

(b) A twenty-four month renewal fee (~~based on the number of full-time equivalents (FTEs), which is a measurement based on a forty-hour week and is applicable to paid agency personnel or contractors, or the number of beds, as follows~~) for home care, home health and hospice agencies, based on the number of full-time equivalents (FTEs), which is a measurement based on a forty-hour week and is applicable to paid agency personnel or contractors, according to the following table. A twenty-four month renewal fee for hospice care centers, based on the number of beds, according to the following table:

~~((c))~~ (i) For single service category licenses:

# of FTEs	Home Health	Hospice	Home Care	# of Beds	Hospice Care Center
5 or less	\$(2,162.00) <u>2,432.00</u>	\$(1,081.00) <u>1,216.00</u>	\$(649.00) <u>730.00</u>	5 or less	\$(720.00) <u>810.00</u>
6 to 15	\$(3,041.00) <u>3,421.00</u>	\$(1,138.00) <u>1,280.00</u>	\$(1,174.00) <u>1,321.00</u>	6 to 10	\$(1,442.00) <u>1,622.00</u>
16 to 50	\$(3,460.00) <u>3,893.00</u>	\$(1,694.00) <u>1,906.00</u>	\$(1,261.00) <u>1,419.00</u>	11 to 15	\$(2,162.00) <u>2,432.00</u>
51 to 100	\$(4,361.00) <u>4,906.00</u>	\$(2,713.00) <u>3,052.00</u>	\$(1,477.00) <u>1,662.00</u>	16 to 20	\$(2,883.00) <u>3,243.00</u>
101 or more	\$(4,491.00) <u>5,052.00</u>	\$(2,854.00) <u>3,211.00</u>	\$(1,586.00) <u>1,784.00</u>		

~~((d))~~ (ii) For multiple service category licenses:

~~((i))~~ (A) One hundred percent of the home health category fee and seventy-five percent of the appropriate service category fee for each additional service category (hospice, home care, hospice care center); or

~~((ii))~~ (B) One hundred percent of the hospice category fee and seventy-five percent of the appropriate service category fee for each additional service category (home care, hospice care center); and

~~((e))~~ (c) A change of ownership fee of two hundred (~~sixteen~~) fifty dollars for each licensed service category. A new license will be issued and valid for the remainder of the

current license period.

(2) The department may charge and collect from a licensee a fee of one thousand (~~(eighty-one)~~) two hundred ninety-seven dollars for:

(a) A second on-site visit resulting from failure of the licensee to adequately respond to a statement of deficiencies(~~(+)~~);

(b) A complete on-site survey resulting from a substantiated complaint; or

(c) A follow-up compliance survey.

(3) A licensee with deemed status shall pay fees according to this section.

(4) A licensee shall submit an additional late fee in the amount of (~~(thirty-six)~~) fifty dollars per day, not to exceed (~~(five)~~) six hundred fifty dollars, from the renewal date (which is thirty days before the current license expiration date) until the date of mailing the fee, as evidenced by the postmark.

(5) Refunds. The department shall refund fees paid by the applicant for initial licensure as follows:

(a) If an application has been received but no on-site survey or technical assistance has been performed by the department, two-thirds of the fees paid, less a fifty dollar processing fee; or

(b) If an application has been received and an on-site survey or technical assistance has been performed by the department, one-third of the fees paid, less a fifty dollar processing fee.

(6) The department may not refund applicant fees if:

(a) The department has performed more than one on-site visit for any purpose;

(b) One year has elapsed since an initial licensure application is received by the department, but no license is issued because applicant failed to complete requirements for licensure; or

(c) The amount to be refunded as calculated by subsection (5)(a) or (b) of this section is ten dollars or less.