



# PREPROPOSAL STATEMENT OF INQUIRY

**CR-101 (June 2004)**  
(Implements RCW 34.05.310)  
Do NOT use for expedited rule making

**Agency:** Department of Health

**Subject of possible rule making:** WAC 246-310-280, 246-310-282, 246-310-284, 246-310-286, 246-310-287, 246-310-288, and 246-310-289, Certificate of Need (CoN) kidney dialysis-related rules. Possible revisions to the criteria and standards used to make decisions.

**Statutes authorizing the agency to adopt rules on this subject:** RCW 70.38.135 and RCW 70.38.115

**Reasons why rules on this subject may be needed and what they might accomplish:** Detailed standards tailored to the specific type of CoN proposal should be adopted into rule. This promotes transparency for applicants and predictable decision making by the program. In November 2012, the department received a rules petition requesting that the current dialysis rules be reviewed. The current dialysis rules went into effect January 2007. This review will determine if the current rules are working as intended, and if not, make the needed changes.

**Identify other federal and state agencies that regulate this subject and the process coordinating the rule with these agencies:**  
The U.S. Centers for Medicare and Medicaid Services (CMS) certify kidney dialysis facilities, and the department will coordinate with CMS as appropriate.

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

- Negotiated rule making
- Pilot rule making
- Agency study
- Other (describe)     The Department will use a collaborative rule making process.

**How interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication:**  
(List names, addresses, telephone, fax numbers, and e-mail of persons to contact; describe meetings, other exchanges of information, etc.)  
Interested parties may participate in the development of draft rules prior to a formal proposal by joining the department listserv, attending workshops or providing input on draft materials. Interested parties can receive information on how to participate by contacting Janis Sigman, Program Manager, Department of Health-Health Systems Quality Assurance, Office of Health Professions and Facilities, by mail to PO Box 47852, 111 Israel Road SE, Olympia, WA 98504-7852; by e-mail at Janis.Sigman@doh.wa.gov, by phone at 360-236-2956, or by fax to 360-236-2321.

**DATE** 07/03/2013

**NAME (TYPE OR PRINT)**  
John Wiesman, DrPH, MPH

**SIGNATURE**

**TITLE**  
Secretary of Health

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