



# 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 246-310-020 - Applicability of chapter 246-310 WAC. The Department of Health (department) Certificate of Need (CoN) program is opening the rule to consider revisions addressing the expansion of CoN-approved ambulatory surgical facility operating rooms.

**Statutes authorizing the agency to adopt rules on this subject:** RCW 70.38.135 and RCW 70.38.105

**Reasons why rules on this subject may be needed and what they might accomplish:** The addition of operating rooms to an existing CoN approved ambulatory surgery facility within a designated planning area is not currently addressed in WAC 246-310-020. The department will consider rules to specify when a CoN approval is required because adding operating rooms may constitute the construction, development or other establishment of a new health care facility.

**Identify other federal and state agencies that regulate this subject and the process coordinating the rule with these agencies:**  
The Department of Social and Health Services (DSHS) and the Health Care Authority (HCA) are involved in Medicare and Medicaid billing and reimbursement issues for CoN ambulatory surgical facilities. The department will coordinate with DSHS and HCA as appropriate.

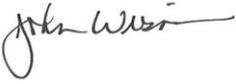
**Process for developing new rule (check all that apply):**

- Negotiated rule making
- Pilot rule making
- Agency study
- Other (describe) Collaborative rule making.

**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 in updating the rule by contacting Katherine Hoffman, Policy Analyst, Department of Health - Health Systems Quality Assurance, Office of the Assistant Secretary, P.O. Box 47850, 111 Israel Road SE, Olympia, WA 98504-7850, or by email to Katherine.Hoffman@doh.wa.gov, telephone 360-236-4617 or by fax 360-236-4626.

**DATE** 06/26/2015

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

**SIGNATURE**  
  
, DrPH, MPH

**TITLE**  
Secretary of Health

**CODE REVISER USE ONLY**

OFFICE OF THE CODE REVISER  
STATE OF WASHINGTON  
FILED  
**DATE: June 26, 2015**  
**TIME: 12:51 PM**  
**WSR 15-14-070**