Agency: Department of Health

Subject of possible rule making: Chapter 246-337 WAC Residential Treatment Facility, and chapter 246-341 WAC Behavioral Health Administrative Requirements. The Department of Health (department) is considering establishing rules to create standards for licensure or certification of intensive behavioral health treatment facilities and community behavioral health agencies to provide mental health peer respite center services to implement Second Substitute House Bill (2SHB) 1394 (Chapter 324, Laws of 2019).

Statutes authorizing the agency to adopt rules on this subject: 2SHB 1394 (Chapter 324, Laws of 2019), RCW 71.24.037

Reasons why rules on this subject may be needed and what they might accomplish: Second Substitute House Bill (2SHB) 1394 instructs the department to establish standards for the licensure and certification of two new behavioral health facilities. The department envisions one type of facility to be considered intensive behavioral health treatment facilities, a type of residential treatment facility. The department is considering establishing licensing or certification standards for the intensive behavioral health treatment type facilities that will provide inpatient behavioral health services to individuals on a voluntary basis whose care needs can't be met in other community-based placement settings. The department envisions the other facility type to be mental health peer respite centers, a type of behavioral health agency. The department is considering licensing or certification standards that will provide a twenty-four hour peer-run support program. Peer respite centers would serve individuals in need of voluntary, short-term, non-crisis support services that focus on recovery and wellness. The department is considering the national Peer Respite Center model in order to establish minimum requirements, including providing these services in a house-like setting, in a way that meets the intent of the bill.

The bill also requires review of relevant regulations to identify potential changes to address care delivery for adults on 90 or 180 day commitment orders.

Identify other federal and state agencies that regulate this subject and the process coordinating the rule with these agencies: Department of Social and Health Services (DSHS), Health Care Authority (HCA), and Department of Commerce. The department is coordinating closely with partners to enable the licensing or certification of these new facilities to coincide with allocations granted by the 2019 legislature.

Process for developing new rule (check all that apply):
- Negotiated rule making
- Pilot rule making
- Agency study
- Other (describe) The department will participate in collaborative rulemaking and will notify interested stakeholders about rule development meetings and rule notices and related activities through email and on the department website at doh.wa.gov/BHI. A public hearing on proposed rules will be held at a later date.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting:

Name: Julie Tomaro  
Address: PO Box 47843, Olympia, WA 98504  
Phone: (360) 236-2937  
Fax: (360) 236-2321  
TTY: (360) 833-6388 or 711  
Email: julie.tomaro@doh.wa.gov  
Web site: www.doh.wa.gov/BHI  
Other: (If necessary)  
Name:  
Address:  
Phone:  
Fax:  
TTY:  
Email:  
Web site:  
Other:  

Additional comments: Interested parties can participate in the drafting of the proposed rules. The department will be conducting rule workshops. The department will use existing GovDelivery lists and other known contact information to inform stakeholders of opportunities to provide input on proposed rule language. To find out more information about our rulemaking, visit doh.wa.gov/BHI and to be included on an interested parties select the "Subscribe" button at the bottom of that page.

Date: 07/26/2019

Name: John Wiesman, DrPH, MPH

Title: Secretary of Health