



PROPOSED RULE MAKING

CR-102 (December 2017) (Implements RCW 34.05.320)

Do NOT use for expedited rule making

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STATE OF WASHINGTON
FILED

DATE: January 17, 2018

TIME: 1:54 PM

WSR 18-03-099

Agency: Department of Enterprise Services

Original Notice

Supplemental Notice to WSR _____

Continuance of WSR _____

Preproposal Statement of Inquiry was filed as WSR 17-16-176 ; or

Expedited Rule Making--Proposed notice was filed as WSR _____; or

Proposal is exempt under RCW 34.05.310(4) or 34.05.330(1); or

Proposal is exempt under RCW _____.

Title of rule and other identifying information: (describe subject) SELF-INSURANCE REQUIREMENTS AS TO PUBLIC BENEFIT HOSPITAL ENTITIES JOINT SELF-INSURANCE PROGRAMS.

These rules governing self-insurance transactions implement chapter 48.190 RCW relating to the management and operations of joint public benefit hospital entity property and liability self-insurance programs.

Hearing location(s):

Date: **Time:** **Location:** (be specific) **Comment:**

February 27, 2018	10 am to 12 pm	Room 1213, 1500 Jefferson, Olympia, WA	
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Date of intended adoption: March 7, 2018 (Note: This is **NOT** the **effective** date)

Submit written comments to:

Name: Jack Zeigler

Address:

Email:

Fax:

Other: Online at: <https://www.surveymonkey.com/r/PublicBenefitHospital>

By (date) March 1, 2018

Assistance for persons with disabilities:

Contact Jack Zeigler

Phone: 360-407-9209

Fax:

TTY:

Email: jack.zeigler@des.wa.gov

Other:

By (date) _____

Purpose of the proposal and its anticipated effects, including any changes in existing rules: The purpose of this proposal is to implement the rule making requirements of Title 48 RCW as amended by SB 5581. SB 5581 authorizes public benefit hospital districts to participate in self-insurance risk pools with nonprofit hospitals. There are no changes to existing rules.

Reasons supporting proposal: These are needed to govern the creation, management, operation, and dissolution of joint self-insurance programs for public benefit hospital entities.

Statutory authority for adoption: RCW 43.19.011 Director – Powers and duties

Statute being implemented: Title 48 RCW as amended by SB 5581

Is rule necessary because of a:

Federal Law? Yes No
Federal Court Decision? Yes No
State Court Decision? Yes No

If yes, CITATION:

Agency comments or recommendations, if any, as to statutory language, implementation, enforcement, and fiscal matters: no comments or recommendations

Name of proponent: (person or organization) Department of Enterprise Services Private
 Public
 Governmental

Name of agency personnel responsible for:

	Name	Office Location	Phone
Drafting:	Shannon Stuber	1500 Jefferson, Olympia WA	360-407-8153
Implementation:	Shannon Stuber	1500 Jefferson, Olympia WA	360-407-8153
Enforcement:	Jason Siems	1500 Jefferson, Olympia WA	360-407-8729

Is a school district fiscal impact statement required under RCW 28A.305.135? Yes No

If yes, insert statement here:

The public may obtain a copy of the school district fiscal impact statement by contacting:

Name:
Address:
Phone:
Fax:
TTY:
Email:
Other:

Is a cost-benefit analysis required under RCW 34.05.328?

Yes: A preliminary cost-benefit analysis may be obtained by contacting:
Name:
Address:
Phone:
Fax:
TTY:
Email:
Other:

No: Please explain: The Department of Enterprise Services (DES) is not an agency listed in RCW 34.05.328(5)(a)(i). Further, DES does not voluntarily make section 201 applicable to this rule adoption nor to date, has the Joint Administrative Rules Review Committee made section 201 applicable to this rule adoption

Regulatory Fairness Act Cost Considerations for a Small Business Economic Impact Statement:

This rule proposal, or portions of the proposal, **may be exempt** from requirements of the Regulatory Fairness Act (see chapter 19.85 RCW). Please check the box for any applicable exemption(s):

This rule proposal, or portions of the proposal, is exempt under RCW 19.85.061 because this rule making is being adopted solely to conform and/or comply with federal statute or regulations. Please cite the specific federal statute or regulation this rule is being adopted to conform or comply with, and describe the consequences to the state if the rule is not adopted.

Citation and description:

This rule proposal, or portions of the proposal, is exempt because the agency has completed the pilot rule process defined by RCW 34.05.313 before filing the notice of this proposed rule.

This rule proposal, or portions of the proposal, is exempt under the provisions of RCW 15.65.570(2) because it was adopted by a referendum.

This rule proposal, or portions of the proposal, is exempt under RCW 19.85.025(3). Check all that apply:

- | | |
|--|--|
| <input checked="" type="checkbox"/> RCW 34.05.310 (4)(b)
(Internal government operations) | <input checked="" type="checkbox"/> RCW 34.05.310 (4)(e)
(Dictated by statute) |
| <input type="checkbox"/> RCW 34.05.310 (4)(c)
(Incorporation by reference) | <input type="checkbox"/> RCW 34.05.310 (4)(f)
(Set or adjust fees) |
| <input type="checkbox"/> RCW 34.05.310 (4)(d)
(Correct or clarify language) | <input type="checkbox"/> RCW 34.05.310 (4)(g)
((i) Relating to agency hearings; or (ii) process requirements for applying to an agency for a license or permit) |

This rule proposal, or portions of the proposal, is exempt under RCW ____.

Explanation of exemptions, if necessary:

COMPLETE THIS SECTION ONLY IF NO EXEMPTION APPLIES

If the proposed rule is **not exempt**, does it impose more-than-minor costs (as defined by RCW 19.85.020(2)) on businesses?

No Briefly summarize the agency's analysis showing how costs were calculated. _____

Yes Calculations show the rule proposal likely imposes more-than-minor cost to businesses, and a small business economic impact statement is required. Insert statement here:

The public may obtain a copy of the small business economic impact statement or the detailed cost calculations by contacting:

- Name:
- Address:
- Phone:
- Fax:
- TTY:
- Email:
- Other:

Date: January 17, 2018

Name: Jack Zeigler

Title: Policy and Rules Manager

Signature:

