



STATE OF WASHINGTON

**OFFICE OF FINANCIAL MANAGEMENT**

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March 15, 2016

**TO:** Kyle Thiessen  
Office of the Code Reviser

The Honorable Mike Padden, Chair  
Joint Administrative Rules Review Committee

**FROM:** Roselyn Marcus, Assistant Director  
Legal and Legislative Affairs

**SUBJECT: WITHDRAWAL OF PREPROPOSAL STATEMENT OF INQUIRY**

On February 2, 2016, I filed a Preproposal Statement of Inquiry (WSR 16-04-100). This CR-101 was filed to give notice that the Office of Financial Management (OFM) was beginning the rulemaking process for rules related to the Washington State all-payer health care claims database. Specifically, this rulemaking process would address:

- The procedures for ensuring that all data received from data suppliers are securely collected and stored in compliance with state and federal law.
- The procedures for ensuring compliance with state and federal privacy laws.

OFM is cancelling this rulemaking and withdrawing the CR-101. These rules will be rolled into a separate rulemaking process that will also include additional rules needed to implement the all-payer claims database (APCD).

If you have any questions about this withdrawal or subsequent rulemaking, please feel free to contact the project team by email, at [apcd@ofm.wa.gov](mailto:apcd@ofm.wa.gov), or sign up on the APCD listserv at <http://listserv.wa.gov/cgi-bin/wa?A0=APCD>.

cc: David Schumacher, Director, Office of Financial Management  
Kristie Wilson, Rules and Appeals, Office of Financial Management  
Kerry Radcliff, Washington State Register, Office of the Code Reviser  
Jane Plant, House Legislative Assistant, Joint Administrative Rules Review Committee  
Sandy Wibbels, Senate Committee Assistant, Joint Administrative Rules Review Committee

OFFICE OF THE CODE REVISER  
STATE OF WASHINGTON  
FILED

**DATE: March 15, 2016**

**TIME: 2:28 PM**

**WSR 16-07-064**



# PREPROPOSAL STATEMENT OF INQUIRY

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

**Agency:** Office of Financial Management

**Subject of possible rule making:** The subject of this rulemaking relates to the Statewide all-payer health care claims database. Specifically, the rules will address (1) the procedures for ensuring that all data received from data suppliers are securely collected and stored in compliance with state and federal law (security rules) and (2) procedures for ensuring compliance with state and federal privacy laws (privacy rules)

**Statutes authorizing the agency to adopt rules on this subject:**

RCW 43.371.070 (d) and (e).

**Reasons why rules on this subject may be needed and what they might accomplish:** Chapter 43.371 RCW directs the Office of Financial Management (OFM) to establish a statewide all-payer health care claims database to support transparent public reporting of health care information. To accomplish this requirement, OFM is further directed to select a lead organization to coordinate and manage the database. RCW 43.371.070(d) and (e) provide that the OFM director shall adopt rules necessary to implement this chapter including:

- (d) Procedures for ensuring that all data received from data suppliers are securely collected and stored in compliance with state and federal law;
- (e) Procedures for ensuring compliance with state and federal privacy laws (privacy rules).

**Identify other federal and state agencies that regulate this subject and the process coordinating the rule with these agencies:** The Office of Chief Information Officer has standards that must be met for both security and privacy. There are state and federal laws regarding protection of private data, which must be followed in regards to the establishment and operation of the database. Coordination will be accomplished through meetings and other written methods of communication. As agency points of contact become known, we will add them to the stakeholder list to ensure receipt of correspondence of all rulemaking activities.

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

- Negotiated rule making
- Pilot rule making
- Agency study

Other (describe) A collaborative approach will be used. A Privacy and Security Workgroup was formed with stakeholders from state agencies and the private sector. This group will help sort out the issues and review drafts before released for a more general review. The APCD website and associated listserv will be used to provide information and seek comments before a draft is filed for hearing. Stakeholder meetings to review and discuss draft rules will also be scheduled as appropriate.

**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.)

To participate in the rulemaking process, you may:

- Send OFM an email with your name and contact information (and questions or comments) at [apcd@ofm.wa.gov](mailto:apcd@ofm.wa.gov)
- Sign up on the APCD listserv at <http://listserv.wa.gov/cgi-bin/wa?A0=APCD>. Those who sign up will receive information on the rules, hearing dates and the latest drafts of the rules for your comments.

**DATE**

February 2, 2016

**NAME (TYPE OR PRINT)**

Roselyn Marcus

**SIGNATURE**

**TITLE**

Assistant Director Legal and Legislative Affairs  
Rule Coordinator

**CODE REVISER USE ONLY**

OFFICE OF THE CODE REVISER  
STATE OF WASHINGTON  
FILED

**DATE: February 02, 2016**

**TIME: 8:44 AM**

**WSR 16-04-100**