



RULE-MAKING ORDER PERMANENT RULE ONLY

CR-103P (December 2017) (Implements RCW 34.05.360)

CODE REVISER USE ONLY

OFFICE OF THE CODE REVISER
STATE OF WASHINGTON
FILED

DATE: July 05, 2018

TIME: 2:44 PM

WSR 18-15-002

Agency: Office of Financial Management

Effective date of rule:

Permanent Rules

31 days after filing.

Other (specify) _____ (If less than 31 days after filing, a specific finding under RCW 34.05.380(3) is required and should be stated below)

Any other findings required by other provisions of law as precondition to adoption or effectiveness of rule?

Yes No If Yes, explain:

Purpose: The purpose of the rule is to establish the penalties for the inappropriate disclosure or use of direct patient identifiers, indirect patient identifiers, or proprietary financial information from the Washington All Payer Claims Database, and the procedures for filing a complaint, investigation and finding of a violation, along with how to appeal a finding of a violation.

Citation of rules affected by this order:

New: WAC 82-75-600, -605, -610, -615, -620, -625, -630, -635, -640, -645, -650, -655, -660 and -665

Repealed:

Amended: 82-75-030

Suspended:

Statutory authority for adoption: RCW 43.371.070(1)(h)

Other authority:

PERMANENT RULE (Including Expedited Rule Making)

Adopted under notice filed as WSR 18-08-030 on March 27, 2018. (date).

Describe any changes other than editing from proposed to adopted version: In WAC 82-75-600(1), language was added to make clear that penalties may be imposed for inappropriate disclosure or use of the information not only received from, but also provided to or contained in the WA-APCD. In WAC 82-75-610(6)(b), language was added to make clear that notice that a complaint has been closed without action will include the basis for that determination. In WAC 82-75-630(1), to make it clear that the OFM director would not direct the lead organization, when it is the alleged violator, to do a review of its own contract to determine whether it breached that contract, language was added that the lead would not be directed to do the review if it is the violator and that the WA-APCD program director would do the review. In WAC 82-75-630(2), language was added to clarify that demand for the destruction of data includes all WA-APCD data, "whether stand alone or combined with other data, all data products, and derivatives produced from WA-APCD data,..." And finally in WAC 82-75-635, language was changed to reflect that the OFM director will look at culpability levels in determining the penalty.

If a preliminary cost-benefit analysis was prepared under RCW 34.05.328, a final cost-benefit analysis is available by contacting:

Name:

Address:

Phone:

Fax:

TTY:

Email:

Web site:

Other:

**Note: If any category is left blank, it will be calculated as zero.
No descriptive text.**

**Count by whole WAC sections only, from the WAC number through the history note.
A section may be counted in more than one category.**

The number of sections adopted in order to comply with:

| | | | | | | |
|----------------------------------|-----|-----|---------|----------|----------|-----|
| Federal statute: | New | ___ | Amended | ___ | Repealed | ___ |
| Federal rules or standards: | New | ___ | Amended | ___ | Repealed | ___ |
| Recently enacted state statutes: | New | 14 | Amended | <u>1</u> | Repealed | ___ |

The number of sections adopted at the request of a nongovernmental entity:

| | | | | | |
|-----|-----|---------|-----|----------|-----|
| New | ___ | Amended | ___ | Repealed | ___ |
|-----|-----|---------|-----|----------|-----|

The number of sections adopted on the agency's own initiative:

| | | | | | |
|-----|-----------|---------|----------|----------|-----|
| New | <u>14</u> | Amended | <u>1</u> | Repealed | ___ |
|-----|-----------|---------|----------|----------|-----|

The number of sections adopted in order to clarify, streamline, or reform agency procedures:

| | | | | | |
|-----|-----|---------|-----|----------|-----|
| New | ___ | Amended | ___ | Repealed | ___ |
|-----|-----|---------|-----|----------|-----|

The number of sections adopted using:

| | | | | | | |
|--------------------------------|-----|-----|---------|----------|----------|-----|
| Negotiated rule making: | New | ___ | Amended | ___ | Repealed | ___ |
| Pilot rule making: | New | ___ | Amended | ___ | Repealed | ___ |
| Other alternative rule making: | New | 14 | Amended | <u>1</u> | Repealed | ___ |

Date Adopted: July 5, 2018

Name: Roselyn Marcus

Title: Assistant Director Legal & Legislative Affairs

Signature:

