



Fishline

Stoyan Bumbalov, Managing Director
State Building Code Council
Washington State Department of Enterprise Services
1500 Jefferson St. SE
Olympia, WA 98501

October 26, 2022

Dear Stoyan,

I am writing urging the State Building Code Council to approve the emergency rule change for the deletion of the Washington State amendment to Section 310.5 of the Washington State Building Code in Chapter 51-50 and immediately adopt the R-4 Occupancy Group.

The R-4 Occupancy Group classification is the nationally recognized appropriate level of building codes for smaller facilities. Oddly, Washington State is the only state in the nation that currently does not adopt the R-4 Occupancy Group designation. As you know, the lack of the R-4 classification necessitates that smaller facilities of 16 beds or less meet the standards for larger institutions of 17 beds or more. The institutional standards are understandably more stringent and complex. Unfortunately, for smaller facilities these requirements become excessive and expensive, ultimately creating a barrier to opening these facilities.

The most common size for behavioral health Residential Treatment Facilities licensed under 246-337 WAC is 16-beds. For operation of these facilities, the 16-bed number separately reflects the maximum number of beds allowed in a facility to qualify for an exemption to the federal Institutions for Mental Disease (IMD) rule. Known as the IMD exception, Medicaid reimbursement is allowed only for individuals receiving treatment or care in a facility that is 16-beds or smaller.

There is an inadequate supply of behavioral health facilities, including Residential Treatment Facilities available to those who need them, especially in Kitsap County. Fishline clients have self-reported needing to wait months for availability while in crisis even with private insurance. Those who have Medicaid need to wait even longer to find a facility that will enroll them. First responders in Kitsap County, particularly in North Kitsap, have nowhere to refer these individuals.

Because of the normal timeframe required for code modifications, this change needs to be adopted as an emergency rule. It is imperative that the R-4 classification be approved as soon as possible to simplify the process to the appropriate level of building requirements and ease the way for agencies to open the facilities desperately needed to preserve life and safety across the state. There are numerous projects in the development pipeline that will be able to take advantage of this change immediately and improve access to these critical facilities. Given the acute behavioral health needs across our communities, it would be detrimental to the public interest for these changes not to be immediately adopted. North Kitsap Fishline strongly urges your swift action to adopt this emergency rule and increase access to

residential behavioral health services. Thank you for your attention to this important issue. Should you have any questions or require further information, please feel free to reach out. My contact details are below.

With Gratitude,

A handwritten signature in blue ink that reads "Lori Maxim". The signature is written in a cursive, flowing style.

Lori Maxim
Executive Director
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