

Bumbalov, Stoyan (DES)

From: Karen Brady <KarenB@ryther.org>
Sent: Sunday, October 16, 2022 9:40 PM
To: Bumbalov, Stoyan (DES); kim.a.kaiser@gmail.com; DES SBCC
Subject: Re: Approve Emergency Rule Change to Delete Section 310.5 of WA State Bldg. Code and Immediately Adopt R-4 Occupancy Group

External Email

Hello Mr. Stoyan:

My name is Karen Brady. I am the Executive Director of Ryther, the agency Kim notes below. I appreciate your prompt response to Kim's email and the information you shared about your role and that there have been no concerns brought forward until now about the lack of an R-4 classification in Washington State. While I can only speak to Ryther's experience in attempting to move through the DOH's process of obtaining a Residential Treatment Facility license, I do think that it may illustrate why concerns have not been elevated.

Beginning in the 1980's Ryther had two of its four on-campus inpatient facilities licensed with DOH as Residential Treatment Facilities. When we closed our inpatient substance use program for adolescent boys in 2015, we had to terminate the license. In 2020, we made the decision to begin the process of licensing three of those four cottages as RTFs. We have submitted documents to the DOH Construction Review Services three times and we have been denied each time. Given that we have had some of these buildings licensed as RTFs in the past, and they are all approximately the same design, this was a surprise. With each denial, we have been given a list of a few corrections and entirely new items to address. After the second denial, I reached out to other agencies to inquire about their experience in getting facilities licensed in case I could learn something that might help us with this process. I learned from those conversations that every agency had similar histories in working with DOH CRS.

It was not until a month ago that I learned that Washington, unlike all other states in the union, lacks an R-4 classification. I have learned that being required to meet institutional standards instead of R-4 requirements has made this a much more complicated, burdensome, and expensive process than it would have been under an R-4 designation. We are planning to open facilities that will serve 8 - 12 children - something we have done successfully in these buildings since the 1980s. Had we been asked to meet R-4 requirements rather than the requirements for an I classification, I believe we would be licensed now. Because I am not an expert in building codes, I had no idea why this process had been so difficult. In talking with other agency leaders about their experience, not one of them brought up the lack of an R-4 classification in Washington state. My guess is that like me, they have no idea that this is what is driving some of the difficulties that they are experiencing. Perhaps no one has reported this as an issue because no one understood that this may be one of the root causes behind why the process is so difficult to get through.

There is a significant need for behavioral health beds in this state. Asking agencies that are planning to open smaller facilities to meet standards meant for large institutions is a barrier to getting those beds open and available to those that need them. We at Ryther have been working for 2 1/2 years to get our remodel plans approved by DOH CRS so that we can begin construction on cottages that were already licensed as RTFs. As

you probably know, approval from DOH CRS is the first step in getting an RTF license. We have yet to get past this step, and as noted above, we are not alone in this experience.

While I understand that you are not the person who makes the decision, I do appreciate you including my email, along with Kim's, to the file.

Thank you,



Karen Brady

CEO/ED

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From: kim.a.kaiser@gmail.com <kim.a.kaiser@gmail.com>

Sent: Sunday, October 16, 2022 9:12 AM

To: Bumbalov, Stoyan (DES) <stoyan.bumbalov@des.wa.gov>; DES SBCC <sbcc@des.wa.gov>

Cc: 'Karen Brady' <KarenB@ryther.org>

Subject: Approve Emergency Rule Change to Delete Section 310.5 of WA State Bldg. Code and Immediately Adopt R-4 Occupancy Group

External Email

Dear Director Bumbalov,

I am writing urging you 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.

Oddly, Washington State is the only state in the nation that currently does not adopt the R-4 Occupancy Group designation.

I am a trustee on the Board for Ryther, a Seattle non-profit, whom has been providing behavioral health services to children in our community for 137 years. Among our broad service offering, Ryther has four 12-bed cottages on our campus which we have used in the past to provide 24/7 intensive care services to our community's most vulnerable and troubled children with behavior health issues. Based upon the enormous need in our community, Ryther will reopen these cottages to provide in-patient services. We have been working with the Department of Health to meet building code requirements and we would benefit tremendously from a R-4 Occupancy Group designation to reopen our cottages expeditiously.

I hope you share our will and courage to serve the children in our community by approving the emergency rule change to delete Section 310.5 and adopt the R-4 Occupancy Group so that Ryther may provide healing and return hope to these children.

Thank you.

Kim Kaiser
Ryther - Board of Trustee
Home Address:
1864 McGilvra Blvd Ethe
Seattle WA 98112

Phone: 206-601-9100

cc. Karen Brady – Ryther CEO

There is a critical need for more community-based behavioral health treatment facilities in Washington State. The 16-Bed Residential Treatment Facility is the model for providing these needed services, specifically because of the relevant Medicaid reimbursement requirements.

Because of the normal timeframe required for code modifications, this change needs to be adopted as an emergency rule. It would be detrimental to the public interest for these changes not to be immediately adopted. There are numerous projects in the development pipeline that will be able to take advantage of this change immediately.

For Ryther, the immediate adoption of this designation would likely mean that not only would our costs be lowered, but the approval of our construction plans is more likely.

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