

**RCW 70.38.280 Kidney disease centers—Emergency certificate of need exemptions.** (1) Notwithstanding RCW 70.38.105(4)(h), a kidney disease center may be granted an exemption to exceed its authorized number of dialysis stations during a temporary emergency situation upon approval of the department.

(2) A temporary emergency situation is defined to include:

(a) Natural disasters, such as earthquakes, floods, fires, or snowstorms that limit or restrict access to one or more kidney disease centers thereby creating a need for additional capacity at other centers;

(b) Power outages or water system shutdowns;

(c) Mold remediations or other physical plant issues that would put patient safety at risk;

(d) Staffing shortages that require kidney disease center reconfiguration to facilitate delivery of dialysis services as long as the facility does not exceed the number of patients served at the time of the exemption request. If granted, an exemption under this subsection (2)(d) is valid for 90 days, and may be extended at 90-day increments at the discretion of the department; and

(e) Any additional temporary emergency situations as included by the department in rule.

(3) In order to be granted an exemption, a kidney dialysis center must make a written request to the department that may be sent by email, and include the following information:

(a) A brief description of the circumstances requiring the exemption;

(b) The number of additional dialysis stations required to meet patient needs, and except as noted in subsection (2)(d) of this section, the expected duration that the additional stations will be required to address patient needs; and

(c) An acknowledgment that:

(i) Patient safety, health, or well-being are not being threatened;

(ii) Fire and life safety regulations, infection control standards, or other applicable codes or regulations will not be reduced; and

(iii) Structural integrity of the building will not be impaired.

(4) Approval of an exemption does not authorize a kidney disease center to permanently increase the number of dialysis stations. If a kidney disease center seeks a permanent increase in approved stations, a certificate of need review and approval is required.

(5) The department may adopt any rules necessary to implement this section. [2023 c 48 § 1.]