
SUBSTITUTE SENATE BILL 5569

State of Washington

68th Legislature

2023 Regular Session

By Senate Health & Long Term Care (originally sponsored by Senators Rivers and Dozier)

READ FIRST TIME 02/15/23.

1 AN ACT Relating to creating exemptions from certificate of need
2 requirements for kidney disease centers due to temporary emergency
3 situations; and adding a new section to chapter 70.38 RCW.

4 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

5 NEW SECTION. **Sec. 1.** A new section is added to chapter 70.38
6 RCW to read as follows:

7 (1) Notwithstanding RCW 70.38.105(4)(h), a kidney disease center
8 may be granted an exemption to exceed its authorized number of
9 dialysis stations during a temporary emergency situation upon
10 approval of the department.

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

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

16 (b) Power outages or water system shutdowns;

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

19 (d) Staffing shortages that require kidney disease center
20 reconfiguration to facilitate delivery of dialysis services as long
21 as the facility does not exceed the number of patients served at the

1 time of the exemption request. If granted, an exemption under this
2 subsection (2)(d) is valid for 90 days, and may be extended at 90-day
3 increments at the discretion of the department; and

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

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

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

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

15 (c) An acknowledgment that:

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

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

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

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

26 (5) The department may adopt any rules necessary to implement
27 this section.

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