

WSR 24-21-016

PROPOSED RULES

DEPARTMENT OF HEALTH

[Filed October 4, 2024, 7:59 a.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 24-09-050.

Title of Rule and Other Identifying Information: Birth Doulas; removing certification barriers to align rule with recent legislation. The department of health (DOH) is proposing amendments to WAC 246-835-040, to implement section 8 of 2SHB 1724 (chapter 425, Laws of 2023) to remove barriers to entering and remaining in the birth doula workforce and to shorten the credentialing process.

Hearing Location(s): On November 26, 2024, at 2:00 p.m., at the Washington State Department of Health, Town Center 2, Room 166/167, 111 Israel Road S.E., Tumwater, WA 98501; or via Zoom. Register in advance for this webinar https://us02web.zoom.us/webinar/register/WN_9S43VRINTjaKZqaRJC BWQw. After registering, you will receive a confirmation email containing information about joining the webinar. Participants may attend virtually or in person at the physical location. You may also submit comments in writing.

Date of Intended Adoption: December 3, 2024.

Submit Written Comments to: Kim-Boi Shadduck, Program Manager, DOH, P.O. Box 47852, Olympia, WA 98504-7852, email <https://fortress.wa.gov/doh/policyreview>, beginning the date and time of this filing, by November 26 at 11:59 p.m.

Assistance for Persons with Disabilities: Contact Kim-Boi Shadduck, phone 360-236-2912, TTY 711, email kimboi.shadduck@doh.wa.gov, by November 12, 2024.

Purpose of the Proposal and Its Anticipated Effects, Including Any Changes in Existing Rules: DOH is proposing amendments to WAC 246-835-040 to remove barriers to entering and remaining in the health care workforce, and to streamline and shorten the credentialing process for birth doulas. Specifically, the proposed amendments remove the requirement of completing 10 hours of continuing education (CE) for applicants who have been credentialed in a United States jurisdiction that has standards that are substantially equivalent Washington standards. Applicants who have been credentialed in another United States jurisdiction that does not have standards that are substantially equivalent must follow existing requirements for certification or apply for certification through the initial application process in WAC 246-835-030. The proposed changes implement section 8 of 2SHB 1724, codified as RCW 18.130.077.

Reasons Supporting Proposal: The intent of RCW 18.130.077 is to make disciplining authorities review and adjust credential requirements to remove barriers to entering and remaining in the health care workforce, and to streamline and shorten the credentialing process. The proposed amendments provide faster pathways to certification and ease the burden on applicants while still maintaining sufficient standards of training and care. Rule making is necessary to amend certification requirements in WAC 246-835-040 to create enforceable standards and comply with RCW 18.130.077.

Statutory Authority for Adoption: RCW 18.47.800 and 2SHB 1724 (chapter 425, Laws of 2023), codified as RCW 18.130.077.

Statute Being Implemented: RCW 18.130.077.

Rule is not necessitated by federal law, federal or state court decision.

Name of Proponent: DOH, governmental.

Name of Agency Personnel Responsible for Drafting, Implementation, and Enforcement: Kim-Boi Shadduck, Program Manager, 111 Israel Road S.E., Tumwater, WA 98501, 360-236-2912.

A school district fiscal impact statement is not required under RCW 28A.305.135.

A cost-benefit analysis is not required under RCW 34.05.328. The proposed rule is exempt from a cost-benefit analysis under 34.05.328 (5)(b)(v) because the rule incorporates statutory requirements dictated by RCW 18.130.077. Additionally, portions of the rule are exempt from a cost-benefit analysis under RCW 34.05.328 (5)(b)(iii) and (iv) as they incorporate by reference existing Washington state law and rule without material change and clarify language of a rule without changing its effect.

This rule proposal, or portions of the proposal, is exempt from requirements of the Regulatory Fairness Act because the proposal:

Is exempt under RCW 19.85.025(3) as the rules are adopting or incorporating by reference without material change federal statutes or regulations, Washington state statutes, rules of other Washington state agencies, shoreline master programs other than those programs governing shorelines of statewide significance, or, as referenced by Washington state law, national consensus codes that generally establish industry standards, if the material adopted or incorporated regulates the same subject matter and conduct as the adopting or incorporating rule; and rules only correct typographical errors, make address or name changes, or clarify language of a rule without changing its effect.

Is exempt under RCW 19.85.025(4).

Explanation of exemptions: Amendments are needed to comply with changes mandated by section 8 of 2SHB 1724 and the proposed amendments only affect certification. Proposed changes also clarify language of the rule without changing its effect.

Scope of exemption for rule proposal:

Is fully exempt.

October 4, 2024
 Kristin Peterson, JD
 Chief of Policy
 for Umair A. Shah, MD, MPH
 Secretary

OTS-5539.4

AMENDATORY SECTION (Amending WSR 23-18-048, filed 8/30/23, effective 10/1/23)

WAC 246-835-040 Applicants currently certified in other states or territories. An initial applicant currently certified to practice as a birth doula in another state, the District of Columbia, or a territory of the United States may be (~~licensed~~) certified by endorsement. An applicant shall comply with the requirements for licensure as specified in chapters 18.47 RCW and 246-835 WAC and submit proof of:

(1) Current certification from another United States jurisdiction (~~;~~ and), if the applicant is certified in a United States jurisdiction that has substantially equivalent standards to Washington.

(2) For applicants who have been certified for at least two years in another United States jurisdiction (~~for at least two years, completion~~) that does not have substantially equivalent standards, the applicant must submit:

(a) Current certification from another United States jurisdiction; and

(b) Proof of 10 hours of continuing education within the two-year period immediately preceding (~~licensure~~) certification.

(3) For applicants who have been certified for less than two years in a United States jurisdiction that does not have substantially equivalent standards, the applicant may apply for certification through the application process in WAC 246-835-030.