
SENATE BILL 5168

State of Washington

53rd Legislature

1993 Regular Session

By Senators Snyder, Owen and Hargrove

Read first time 01/15/93. Referred to Committee on Health & Human Services.

1 AN ACT Relating to public health; and amending RCW 70.38.125.

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

3 **Sec. 1.** RCW 70.38.125 and 1989 1st ex.s. c 9 s 606 are each
4 amended to read as follows:

5 (1) A certificate of need shall be valid for two years. One six-
6 month extension may be made if it can be substantiated that substantial
7 and continuing progress toward commencement of the project has been
8 made as defined by regulations to be adopted pursuant to this chapter.
9 An additional extension of up to twenty-four months shall be made if
10 the project is located in an eligible area as defined under RCW
11 82.60.020, or in a distressed area.

12 (2) A project for which a certificate of need has been issued shall
13 be commenced during the validity period for the certificate of need.

14 (3) The department shall monitor the approved projects to assure
15 conformance with certificates of need that have been issued. Rules and
16 regulations adopted shall specify when changes in the project require
17 reevaluation of the project. The department may require applicants to
18 submit periodic progress reports on approved projects or other

1 information as may be necessary to effectuate its monitoring
2 responsibilities.

3 (4) The secretary, in the case of a new health facility, shall not
4 issue any license unless and until a prior certificate of need shall
5 have been issued by the department for the offering or development of
6 such new health facility.

7 (5) Any person who engages in any undertaking which requires
8 certificate of need review without first having received from the
9 department either a certificate of need or an exception granted in
10 accordance with this chapter shall be liable to the state in an amount
11 not to exceed one hundred dollars a day for each day of such
12 unauthorized offering or development. Such amounts of money shall be
13 recoverable in an action brought by the attorney general on behalf of
14 the state in the superior court of any county in which the unauthorized
15 undertaking occurred. Any amounts of money so recovered by the
16 attorney general shall be deposited in the state general fund.

17 (6) The department may bring any action to enjoin a violation or
18 the threatened violation of the provisions of this chapter or any rules
19 and regulations adopted pursuant to this chapter, or may bring any
20 legal proceeding authorized by law, including but not limited to the
21 special proceedings authorized in Title 7 RCW, in the superior court in
22 the county in which such violation occurs or is about to occur, or in
23 the superior court of Thurston county.

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