

WSR 24-17-005

PERMANENT RULES

DEPARTMENT OF HEALTH

[Filed August 8, 2024, 8:15 a.m., effective September 30, 2024]

Effective Date of Rule: September 30, 2024.

Purpose: Creating licensing requirements for organ transport services and vehicles. SHB 1271 (chapter 290, Laws of 2023) Organ transport vehicles and services, directed the department of health to issue a license to organ transport services that meet minimum licensing standards. This adopted new rule establishes minimum requirements for vehicle and equipment standards, as well as establishes the licensing process to obtain an organ transport license. The law and the adopted rules will allow licensed organ transport vehicles to use lights and sirens, high occupancy vehicle (HOV) lanes, and signal pre-emptive devices to transport time-critical organs and tissues within Washington state without compromising public health and safety.

Citation of Rules Affected by this Order: New WAC 246-976-360.

Statutory Authority for Adoption: RCW 18.73.081, 43.70.040, and SHB 1271 (chapter 290, Laws of 2023), codified in RCW 18.73.290.

Adopted under notice filed as WSR 24-11-155 on May 22, 2024.

A final cost-benefit analysis is available by contacting Jason Norris, P.O. Box 47853, Olympia, WA 98504-7853, phone 360-236-2380, TTY 711, email HSQA.EMS@doh.wa.gov.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 0, Repealed 0; or Recently Enacted State Statutes: New 1, Amended 0, Repealed 0.

Number of Sections Adopted at the Request of a Nongovernmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's own Initiative: New 0, Amended 0, Repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 0, Repealed 0.

Number of Sections Adopted using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 1, Amended 0, Repealed 0.

Date Adopted: August 7, 2024.

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

OTS-5376.3

NEW SECTION

WAC 246-976-360 Organ transport service and vehicle license.

(1) The secretary licenses organ transport services and vehicles. To become licensed an applicant shall:

(a) Comply with RCW 18.73.290;

(b) Submit a completed application on forms provided by the department; and

(c) Meet the minimum organ transport vehicle standards in subsection (2) of this section.

(2) A licensed organ transport vehicle must meet the following standards:

(a) Essential equipment for driver and passenger safety and comfort must be in good working order;

(b) A paper copy of current state organ transport vehicle license must be made immediately available upon request;

(c) Tires must be in good condition;

(d) Electrical system. All regular and special electrical equipment must be functional at all times:

(i) Interior lighting in the driver compartment must be designed and located so that no glare is reflected from surrounding areas to the driver's eyes or line of vision from the instrument panel, switch panel, or other areas which may require illumination while the vehicle is in motion;

(ii) Exterior lights must be fully operational;

(iii) Emergency warning lights must be provided in accordance with RCW 46.37.190, as administered by the state patrol; and

(iv) Emergency audible warning signals may be used in accordance with RCW 46.37.380;

(e) Windshield wipers and washers must be dual, electric, multi-speed, and functional at all times;

(f) Battery system. The battery must be capable of sustaining all systems. It must be located in a ventilated area sealed off from the vehicle interior, and completely accessible for checking and removal;

(g) Vehicle brakes, heating and cooling units, and window glass, must be functional at all times;

(h) Equipment, organs, and tissue donors must be secured in the vehicle to prevent items from sliding, rolling, and vertical movement;

(i) Functioning seat belts that comply with Federal Motor Vehicle Safety Standards 207, 208, 209, and 210. Restraints must be provided in all seat positions in the vehicle;

(j) Mirrors on the left side and right side of the vehicle. The location of mounting must provide maximum rear vision from the driver's seated position;

(k) One 5-B:C fire extinguisher must be secured in a manner that prevents sliding, rolling, and vertical movement; and

(l) Exterior surfaces must be smooth, with appurtenances kept to a minimum.

(3) Drivers of organ transport vehicles must comply with RCW 18.73.290.

(4) Licenses for organ transport services and vehicles must be renewed every two years. To renew a license, an applicant shall submit an application to the department at least 30 days prior to expiration.