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HOUSE BILL 1867

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State of Washington                      61st Legislature                      2009 Regular Session

By Representatives Ericksen, Bailey, Hinkle, Chandler, Condotta, Schmick, and Pedersen

Read first time 01/30/09. Referred to Committee on Health Care & Wellness.

1            AN ACT Relating to repealing the state certificate of need process;  
2 creating a new section; repealing RCW 43.370.040, 70.38.015, 70.38.018,  
3 70.38.025, 70.38.095, 70.38.105, 70.38.111, 70.38.115, 70.38.118,  
4 70.38.125, 70.38.128, 70.38.135, 70.38.155, 70.38.156, 70.38.157,  
5 70.38.158, 70.38.220, 70.38.230, 70.38.250, 70.38.905, 70.38.910,  
6 70.38.911, 70.38.914, 70.38.915, 70.38.916, 70.38.918, and 70.38.920;  
7 and providing an effective date.

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

9            NEW SECTION.    **Sec. 1.** The certificate of need process established  
10 in chapter 70.38 RCW is hereby abolished. By November 15, 2009, the  
11 code reviser shall recommend to the legislature appropriate legislation  
12 that effectuates the purposes of this act by removing references to the  
13 certificate of need process in sections of the Revised Code of  
14 Washington not repealed by this act.

15            NEW SECTION.    **Sec. 2.** The following acts or parts of acts are each  
16 repealed:

17            (1) RCW 43.370.040 (Department of health--Certificate of need  
18 review program) and 2007 c 259 s 53;

1 (2) RCW 70.38.015 (Declaration of public policy) and 2007 c 259 s  
2 55, 1989 1st ex.s. c 9 s 601, 1983 c 235 s 1, 1980 c 139 s 1, & 1979  
3 ex.s. c 161 s 1;

4 (3) RCW 70.38.018 (Statewide health resources strategy--  
5 Consistency--Waivers) and 2007 c 259 s 56;

6 (4) RCW 70.38.025 (Definitions) and 2000 c 175 s 22, 1997 c 210 s  
7 2, 1991 c 158 s 1, 1989 1st ex.s. c 9 s 602, 1988 c 20 s 1, 1983 1st  
8 ex.s. c 41 s 43, 1983 c 235 s 2, 1982 c 119 s 1, 1980 c 139 s 2, & 1979  
9 ex.s. c 161 s 2;

10 (5) RCW 70.38.095 (Public disclosure) and 2005 c 274 s 332 & 1979  
11 ex.s. c 161 s 9;

12 (6) RCW 70.38.105 (Health services and facilities requiring  
13 certificate of need--Fees) and 2004 c 261 s 6, 1996 c 50 s 1, 1992 c 27  
14 s 1, 1991 sp.s. c 8 s 4, 1989 1st ex.s. c 9 s 603, 1984 c 288 s 21,  
15 1983 c 235 s 7, 1982 c 119 s 2, 1980 c 139 s 7, & 1979 ex.s. c 161 s  
16 10;

17 (7) RCW 70.38.111 (Certificates of need--Exemptions) and 1997 c 210  
18 s 1, 1995 1st sp.s. c 18 s 71, 1993 c 508 s 5, 1992 c 27 s 2, 1991 c  
19 158 s 2, 1989 1st ex.s. c 9 s 604, 1982 c 119 s 3, & 1980 c 139 s 9;

20 (8) RCW 70.38.115 (Certificates of need--Procedures--Rules--  
21 Criteria for review--Conditional certificates of need--Concurrent  
22 review--Review periods--Hearing--Adjudicative proceeding--Amended  
23 certificates of need) and 1996 c 178 s 22, 1995 1st sp.s. c 18 s 72, &  
24 1993 c 508 s 6;

25 (9) RCW 70.38.118 (Certificates of need--Applications submitted by  
26 hospice agencies) and 2000 c 175 s 23;

27 (10) RCW 70.38.125 (Certificates of need--Issuance--Duration--  
28 Penalties for violations) and 1989 1st ex.s. c 9 s 606, 1983 c 235 s 9,  
29 1980 c 139 s 10, & 1979 ex.s. c 161 s 12;

30 (11) RCW 70.38.128 (Certificates of need--Elective percutaneous  
31 coronary interventions--Rules) and 2007 c 440 s 1;

32 (12) RCW 70.38.135 (Services and surveys--Rules) and 2007 c 259 s  
33 57, 1989 1st ex.s. c 9 s 607, 1983 c 235 s 10, & 1979 ex.s. c 161 s 13;

34 (13) RCW 70.38.155 (Certificates of need--Savings--1979 ex.s. c  
35 161) and 1979 ex.s. c 161 s 15;

36 (14) RCW 70.38.156 (Certificates of need--Savings--1980 c 139) and  
37 1980 c 139 s 11;

- 1 (15) RCW 70.38.157 (Certificates of need--Savings--1983 c 235) and  
2 1983 c 235 s 11;
- 3 (16) RCW 70.38.158 (Certificates of need--Savings--1989 1st ex.s.  
4 c 9 §§ 601 through 607) and 1989 1st ex.s. c 9 s 608;
- 5 (17) RCW 70.38.220 (Ethnic minorities--Nursing home beds that  
6 reflect cultural differences) and 1991 c 271 s 1;
- 7 (18) RCW 70.38.230 (Residential hospice care centers--Defined--  
8 Change in bed capacity--Applicability of chapter) and 1998 c 322 s 50;
- 9 (19) RCW 70.38.250 (Redistribution and addition of beds--  
10 Determination) and 1999 c 376 s 2;
- 11 (20) RCW 70.38.905 (Conflict with federal law--Construction) and  
12 1983 c 235 s 12 & 1979 ex.s. c 161 s 16;
- 13 (21) RCW 70.38.910 (Severability--1983 c 235; 1979 ex.s. c 161) and  
14 1983 c 235 s 13 & 1979 ex.s. c 161 s 17;
- 15 (22) RCW 70.38.911 (Severability--1980 c 139) and 1980 c 139 s 12;
- 16 (23) RCW 70.38.914 (Pending certificates of need--1983 c 235) and  
17 1983 c 235 s 14;
- 18 (24) RCW 70.38.915 (Effective dates--Pending certificates of need--  
19 1979 ex.s. c 161) and 1979 ex.s. c 161 s 19;
- 20 (25) RCW 70.38.916 (Effective date--1980 c 139) and 1980 c 139 s  
21 14;
- 22 (26) RCW 70.38.918 (Effective dates--Pending certificates of need--  
23 1989 1st ex.s. c 9) and 1989 1st ex.s. c 9 s 609; and
- 24 (27) RCW 70.38.920 (Short title) and 1979 ex.s. c 161 s 22.

25 NEW SECTION. **Sec. 3.** This act takes effect July 1, 2010.

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