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**SENATE BILL 5569**

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**State of Washington**

**68th Legislature**

**2023 Regular Session**

**By** Senators Rivers and Dozier

Read first time 01/26/23. Referred to Committee on Health & Long Term Care.

1 AN ACT Relating to creating temporary exemptions from certificate  
2 of need requirements for kidney disease centers due to emergency or  
3 surge 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 or surge situation  
10 upon approval of the department.

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

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

17 (b) Power outages or water system shutdowns;

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

20 (d) Staffing shortages that require kidney disease center  
21 reconfiguration to facilitate delivery of dialysis services as long

1 as the facility does not exceed the number of patients served at the  
2 time of the exemption request. If granted, an exemption under this  
3 subsection (d) is valid for 90 days, and may be extended at 90-day  
4 increments at the discretion of the department; and

5 (e) Any additional temporary emergencies or surge situations as  
6 included by the department in rule.

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

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

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

16 (c) An acknowledgment that:

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

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

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

23 (4) The department shall provide a response to the exemption  
24 request within 24 hours.

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

29 (6) The department may adopt any rules necessary to implement  
30 this section.

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