



PROPOSED RULE MAKING

CR-102 (June 2024)
(Implements RCW 34.05.320)
Do **NOT** use for expedited rule making

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STATE OF WASHINGTON
FILED

DATE: October 04, 2024

TIME: 7:59 AM

WSR 24-21-016

Agency: Department of Health

Original Notice

Supplemental Notice to WSR

Continuance of WSR

Preproposal Statement of Inquiry was filed as WSR 24-09-050 ; or

Expedited Rule Making--Proposed notice was filed as WSR _____; or

Proposal is exempt under RCW 34.05.310(4) or 34.05.330(1); or

Proposal is exempt under RCW _____.

Title of rule and other identifying information: (describe subject) Birth Doula - Removing certification barriers to align rule with recent legislation. The Department of Health (department) is proposing amendments to WAC 246-835-040, to implement section 8 of Second Substitute House Bill (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):

Date:	Time:	Location: (be specific)	Comment:
November 26, 2024	2:00 pm	In-Person: WA State Department of Health Town Center 2 Room 166/167 111 Israel Rd SE Tumwater, Washington 98501 Zoom Link: Register in advance for this webinar: https://us02web.zoom.us/webinar/register/WN_9S43VRINTjaKZqaRJCWQw After registering, you will receive a confirmation email containing information about joining the webinar.	The Department of Health will be offering a hybrid public hearing. 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 (Note: This is **NOT** the effective date)

Submit written comments to:

Name Kim-Boi Shadduck, Program Manager

Address Department of Health

PO Box 47852

Olympia, WA 98504-7852

Email <https://fortress.wa.gov/doh/policyreview>

Fax N/A

Other

Beginning (date and time) The date and time of this filing.

By (date and time) November 26 at 11:59 PM

Assistance for persons with disabilities:

Contact Kim-Boi Shadduck

Phone 360-236-2912

Fax N/A

TTY 711

Email kimboi.shadduck@doh.wa.gov

Other

By (date) November 12, 2024

Purpose of the proposal and its anticipated effects, including any changes in existing rules: The department 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. Rulemaking 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

Is rule necessary because of a:

- Federal Law? Yes No
- Federal Court Decision? Yes No
- State Court Decision? Yes No

If yes, CITATION:

Agency comments or recommendations, if any, as to statutory language, implementation, enforcement, and fiscal matters: None

Name of proponent: (person or organization) Department of Health

Type of proponent: Private. Public. Governmental.

Name of agency personnel responsible for: Department of Health

Name	Office Location	Phone
Drafting Kim-Boi Shadduck, Program Manager	111 Israel Rd SE Tumwater, WA 98501	360-236-2912
Implementation Kim-Boi Shadduck, Program Manager	111 Israel Rd SE Tumwater, WA 98501	360-236-2912
Enforcement Kim-Boi Shadduck, Program Manager	111 Israel Rd SE Tumwater, WA 98501	360-236-2912

Is a school district fiscal impact statement required under [RCW 28A.305.135](#)? Yes No

If yes, insert statement here:

The public may obtain a copy of the school district fiscal impact statement by contacting:

- Name
- Address
- Phone
- Fax
- TTY
- Email
- Other

Is a cost-benefit analysis required under [RCW 34.05.328](#)?

Yes: A preliminary cost-benefit analysis may be obtained by contacting:

- Name
- Address

- Phone
- Fax N/A
- TTY 711
- Email
- Other

No: Please explain: 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 RCW 34.05.328(5)(b)(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.

Regulatory Fairness Act and Small Business Economic Impact Statement

Note: The [Governor's Office for Regulatory Innovation and Assistance \(ORIA\)](#) provides support in completing this part.

(1) Identification of exemptions:

This rule proposal, or portions of the proposal, **may be exempt** from requirements of the Regulatory Fairness Act (see [chapter 19.85 RCW](#)). For additional information on exemptions, consult the [exemption guide published by ORIA](#). Please check the box for any applicable exemption(s):

This rule proposal, or portions of the proposal, is exempt under [RCW 19.85.061](#) because this rule making is being adopted solely to conform and/or comply with federal statute or regulations. Please cite the specific federal statute or regulation this rule is being adopted to conform or comply with, and describe the consequences to the state if the rule is not adopted.

Citation and description:

This rule proposal, or portions of the proposal, is exempt because the agency has completed the pilot rule process defined by [RCW 34.05.313](#) before filing the notice of this proposed rule.

This rule proposal, or portions of the proposal, is exempt under the provisions of [RCW 15.65.570\(2\)](#) because it was adopted by a referendum.

This rule proposal, or portions of the proposal, is exempt under [RCW 19.85.025\(3\)](#). Check all that apply:

[RCW 34.05.310](#) (4)(b)
(Internal government operations)

[RCW 34.05.310](#) (4)(e)
(Dictated by statute)

[RCW 34.05.310](#) (4)(c)
(Incorporation by reference)

[RCW 34.05.310](#) (4)(f)
(Set or adjust fees)

[RCW 34.05.310](#) (4)(d)
(Correct or clarify language)

[RCW 34.05.310](#) (4)(g)
((i) Relating to agency hearings; or (ii) process requirements for applying to an agency for a license or permit)

This rule proposal, or portions of the proposal, is exempt under [RCW 19.85.025\(4\)](#). (Does not affect small businesses).

This rule proposal, or portions of the proposal, is exempt under RCW _____.

Explanation of how the above exemption(s) applies to the proposed rule: 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.

(2) Scope of exemptions: *Check one.*

The rule proposal: Is fully exempt. (*Skip section 3.*) Exemptions identified above apply to all portions of the rule proposal.

The rule proposal: Is partially exempt. (*Complete section 3.*) The exemptions identified above apply to portions of the rule proposal, but less than the entire rule proposal. Provide details here (consider using [this template from ORIA](#)):

The rule proposal: Is not exempt. (*Complete section 3.*) No exemptions were identified above.

(3) Small business economic impact statement: *Complete this section if any portion is not exempt.*

If any portion of the proposed rule is **not exempt**, does it impose more-than-minor costs (as defined by RCW 19.85.020(2)) on businesses?

No Briefly summarize the agency's minor cost analysis and how the agency determined the proposed rule did not impose more-than-minor costs.

Yes Calculations show the rule proposal likely imposes more-than-minor cost to businesses and a small business economic impact statement is required. Insert the required small business economic impact statement here:

The public may obtain a copy of the small business economic impact statement or the detailed cost calculations by contacting:

Name
Address
Phone
Fax
TTY
Email

Other

Date: October 4, 2024

Name: Kristin Peterson, JD for Umair A. Shah, MD, MPH

Title: Chief of Policy for Secretary of Health

Signature:

A handwritten signature in cursive script, appearing to read "Kristin Peterson".

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.