

PART R-1—SURGICAL SMOKE

WAC 296-62-510 Surgical Smoke

WAC 296-62-51010 Scope and application. (1) This section applies to surgical smoke exposures in hospitals, as defined in RCW 70.41.020, and ambulatory surgical facilities, as defined in RCW 70.230.010.

(2) Exposures to surgical smoke in other healthcare settings and exposures to similar smokes, particulates, vapors, and gasses in other settings are covered under Chapter 296-841 WAC, Airborne Contaminants, and other applicable substance specific standards.

WAC 296-62-51020 Definitions. The following definitions apply to this section:

Surgical smoke. The by-product that results from contact with tissue by a tool that performs a surgical function using heat, laser, electricity, or other form of energy.

Smoke evacuation system. Equipment designed to capture and neutralize surgical smoke at the point of origin, before the smoke makes contact with the eyes or the respiratory tract of occupants in the room. Smoke evacuation systems may be integrated with the energy generating device or separate from the energy generating device.

WAC 296-62-51030 Surgical smoke program. (1) Employers must

have a written surgical smoke program for any procedure that may generate surgical smoke.

(2) The surgical smoke program must have the following elements:

- (a) Selection of surgical smoke evacuation systems.
- (b) Required use of a surgical smoke system during any planned surgical procedure that is likely to generate surgical smoke which would otherwise make contact with the eyes or respiratory tract of the occupants of the room.

WAC 296-62-51040 Surgical smoke evacuation systems. (1)

Employers must control surgical smoke with surgical smoke evacuations systems, as feasible.

(2) Surgical smoke evacuation systems must capture and neutralize surgical smoke before it makes contact with the eyes or respiratory tracts of room occupants.

(a) Surgical smoke should be captured as close to the point of origin or point at which it is released from the body of the patient as feasible.

(b) The system must neutralize the smoke in a manner that protects the safety of room occupants by exhausting outside or to the building exhaust system, or filtering, sanitizing, or otherwise

treating the air in a manner that protects the safety and health of the room occupants.

NOTE: Between January 2, 2025 and June 30, 2025, hospitals that meet certain criteria may apply for reimbursement of up to \$1,000 per operating room for smoke evacuation systems that were purchased and installed on or before January 1, 2025. **See Appendix A for details.**

WAC 296-62-51060 Effective dates. (1) Chapter 296-62 WAC, Part R-1, is effective January 1, 2024.

(2) Sections WAC 296-62-51030 and WAC 296-62-51040 do not apply to the following establishments until January 1, 2025:

(a) Hospitals certified as critical access hospitals under 42 U.S.C. Sec. 1395i-4;

(b) Hospitals with fewer than 25 acute care beds in operation;

(c) Hospitals certified by the centers for medicare and medicaid services as sole community hospitals; and

(d) Hospitals that qualify as a medicare dependent hospital.

Appendix A - Reimbursement for Smoke Evacuation Systems

Equipment cost reimbursement.

(1) The following hospitals may apply for reimbursement of costs for purchase and installation of surgical smoke evacuation equipment:

(a) Hospitals certified as critical access hospitals under 42 U.S.C. Sec. 1395i-4;

(b) Hospitals with fewer than 25 acute care beds in operation;

(c) Hospitals certified by the centers for medicare and medicaid services as sole community hospitals; and

(d) Hospitals that qualify as a medicare dependent hospital.

(2) Costs must be incurred by the hospital on or before January 1, 2025.

(3) Reimbursement is limited to \$1,000 for each operating room in the hospital.

(4) Reimbursement requests may be submitted from January 2, 2025, until April 30, 2025. Requests will be processed in the order received. If moneys in the reimbursement account are exhausted, no further requests will be processed.

(5) To apply for reimbursement the hospital must follow the directions posted on the department website.

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