



RULE-MAKING ORDER PERMANENT RULE ONLY

CR-103P (December 2017) (Implements RCW 34.05.360)

CODE REVISER USE ONLY

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STATE OF WASHINGTON
FILED

DATE: June 12, 2026

TIME: 12:12 PM

WSR 26-13-062

Agency: Department of Health

Effective date of rule:

Permanent Rules

31 days after filing.

Other (specify) _____ (If less than 31 days after filing, a specific finding under RCW 34.05.380(3) is required and should be stated below)

Any other findings required by other provisions of law as precondition to adoption or effectiveness of rule?

Yes No If Yes, explain:

Purpose: Birthing Centers - Adopting rule language amendments in WAC 246-329-020 and 246-329-055 to incorporate recently passed legislation concerning accredited birthing centers.

The Department of Health (department) is adopting amendments to its birthing center licensing rules to incorporate recently passed legislation, Substitute House Bill (SHB) 1824 (chapter 69, Laws of 2025), concerning accredited birthing centers. Adopted rule amendments also adjust the department's survey interval from 24 months to 36 months and make other updates to increase clarity and consistency of rule language.

Citation of rules affected by this order:

New: None

Repealed: None

Amended: WAC 246-329-020 and 246-329-055

Suspended: None

Statutory authority for adoption: RCW 18.46.060 and 43.70.040

Other authority: SHB 1824, codified as RCW 18.46.080

PERMANENT RULE (Including Expedited Rule Making)

Adopted under notice filed as WSR 26-08-039 on March 25, 2026 (date).

Describe any changes other than editing from proposed to adopted version: None

If a preliminary cost-benefit analysis was prepared under RCW 34.05.328, a final cost-benefit analysis is available by contacting:

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Other:

**Note: If any category is left blank, it will be calculated as zero.
No descriptive text.**

**Count by whole WAC sections only, from the WAC number through the history note.
A section may be counted in more than one category.**

The number of sections adopted in order to comply with:

Federal statute:	New	<u>0</u>	Amended	<u>0</u>	Repealed	<u>0</u>
Federal rules or standards:	New	<u>0</u>	Amended	<u>0</u>	Repealed	<u>0</u>
Recently enacted state statutes:	New	<u>0</u>	Amended	<u>1</u>	Repealed	<u>0</u>

The number of sections adopted at the request of a nongovernmental entity:

New	<u>0</u>	Amended	<u>0</u>	Repealed	<u>0</u>
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The number of sections adopted on the agency's own initiative:

New	<u>0</u>	Amended	<u>1</u>	Repealed	<u>0</u>
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The number of sections adopted in order to clarify, streamline, or reform agency procedures:

New	<u>0</u>	Amended	<u>2</u>	Repealed	<u>0</u>
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The number of sections adopted using:

Negotiated rule making:	New	<u>0</u>	Amended	<u>0</u>	Repealed	<u>0</u>
Pilot rule making:	New	<u>0</u>	Amended	<u>0</u>	Repealed	<u>0</u>
Other alternative rule making:	New	<u>0</u>	Amended	<u>2</u>	Repealed	<u>0</u>

Date Adopted: June 12, 2026

Name: Kristin Peterson, JD for Dennis E. Worsham

Title: Chief of Policy for Secretary of Health

Signature:



WAC 246-329-020 Licensure. A person must ~~((possess))~~ have a current ~~((birth))~~ birthing center license issued by the department before advertising, operating, managing, conducting, opening or maintaining a birthing center unless exempt under chapter 18.46 RCW. A ~~((birth))~~ birthing center applicant working towards licensure may begin advertising via website or other means provided that language clearly communicates that the center is not currently licensed.

(1) Application for license. An applicant for initial licensure of a birthing center ~~((must))~~ shall:

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

(b) Submit disclosure statements and criminal history background checks no older than three months preceding the application date for the administrator, owner and director of services in accordance with RCW 43.43.830 through 43.43.845;

(c) Submit the following information:

(i) Name of managing personnel, officers, administrator, director of services, and partners or individuals owning 10 percent or more of the applicant's voting stock;

(ii) A description of the organizational structure;

(iii) A copy of the current business license(s);

(d) Submit evidence of completion of the department's construction review process;

(e) Submit evidence of compliance with local codes and ordinances;

(f) Submit evidence of approval of the state fire marshal as required per RCW 18.46.110;

(g) Submit evidence that a certificate of occupancy by the local building official has been approved and issued;

(h) Submit other information as required by the department;

(i) Submit fees ~~((as specified in))~~ under WAC 246-329-990;

(j) Develop and approve policies and procedures addressing the content of this chapter; and

(k) Meet the requirements of this chapter as determined by an initial survey conducted by the department.

(2) License renewal. ~~((a))~~ A license, unless suspended or revoked, must be renewed annually.

(a) A licensee shall submit an application~~((s))~~ for renewal ~~((must be))~~ on forms provided by the department ~~((and must be filed with the department not less than))~~ at least 30 days prior to expiration ~~((and))~~. The application must also include disclosure statements and criminal history background checks no older than three months preceding the renewal date for the administrator, owner, and director of services when these individuals are new to the ~~((birth))~~ birthing center since initial licensure or last renewal, in accordance with RCW 43.43.830 through 43.43.845.

(b) The department may inspect and investigate each birthing center every ~~((24))~~ 36 months or as needed to determine compliance with these rules and chapter 18.46 RCW.

(c) ~~((Each))~~ The department shall issue a license ~~((must be issued))~~ only for the premises and persons named. ~~((Licenses must be transferable or assignable only with written approval by the department.))~~ The department must provide written approval before a license

may be transferred or assigned to another administrator, owner, or director of services.

(d) (~~(Licenses must be posted)~~) The birthing center must post the current license in a conspicuous place on the licensed premises.

(3) Change of ownership. At least 30 days prior to changing ownership of a birthing center:

(a) The licensee (~~(must)~~) shall submit in writing to the department:

(i) The full name, address and phone number of the current and prospective owner;

(ii) The name, address, and phone number of the currently licensed birthing center and the name under which the prospective agency will operate; and

(iii) Date of the proposed change of ownership;

(b) The prospective new owner (~~(must)~~) shall submit:

(i) Information listed in subsection (1)(b) and (c) of this section; and

(ii) The change of ownership fee (~~(specified in)~~) under WAC 246-329-990.

(4) The department may conduct a survey after a change of ownership approval to assess the new ownership's delivery of care to patients. The decision to conduct a survey (~~(would be)~~) is based on department surveys, complaint investigations, and enforcement actions associated with the new owner(s).

AMENDATORY SECTION (Amending WSR 25-15-078, filed 7/15/25, effective 8/15/25)

WAC 246-329-055 Department responsibilities. This section describes the department's responsibilities in the fulfillment of the requirements of this chapter:

(1) The department may, in accordance with chapter 18.46 RCW:

(a) Issue an initial license for 12 months following submission of a completed application and appropriate fees under WAC 246-329-990, and following a survey that documents the applicant meets all the requirements of this chapter;

(b) Issue a renewal license for the 12-month period following submission of a completed application and appropriate fees under WAC 246-329-990;

(c) Issue a license for change of ownership to the new licensee for the remainder of the current license period following submission of the required information and appropriate fee, under WAC 246-329-990.

(2) The department may:

(a) Conduct surveys and investigations every (~~(24)~~) 36 months or as needed to determine compliance with chapter 18.46 RCW and this chapter. Surveys and investigations may be announced or unannounced;

(b) Investigate any person suspected of (~~(+~~ ~~(-)~~) advertising, operating, managing, conducting, opening or maintaining a birthing center without a license unless exempt from licensure under chapter 18.46 RCW; or

(~~(+)~~) (c) Survey a licensee at anytime if the department has reason to believe the licensee is providing unsafe, insufficient, inadequate or inappropriate care;

~~((e))~~ (d) Investigate allegations of noncompliance with RCW 43.43.830 through 43.43.845, when necessary, in consultation with law enforcement personnel;

~~((d))~~ (e) Require licensees to complete additional disclosure statements and background inquiries for an individual associated with the licensee or having direct contact with children under 16 years of age, people with developmental disabilities, or vulnerable adults if the department has reason to believe that offenses specified under RCW 43.43.830 have occurred since completion of the previous disclosure statement and criminal background inquiry; and

~~((e))~~ (f) Issue a statement of deficiencies following a survey which identifies noncompliance with chapter 18.46 RCW and this chapter.

(3) In compliance with RCW 18.46.080:

(a) A birthing center that is accredited by a birthing center accrediting body is not subject to a state licensure survey in subsection (2)(a) of this section.

(b) The department may perform validation surveys. Validation surveys may not exceed 10 percent of accredited birthing centers within a 36-month time frame.

(c) This does not affect the department's initial licensing process or enforcement authority for licensed birthing centers.

(4) The department may deny, suspend, or revoke a license if the applicant or licensee fails or refuses to comply with the requirements of chapter 18.46 RCW and these rules. The department's notice of denial, suspension, modification, or revocation of a license must be consistent with RCW 43.70.115. An applicant or license holder has the right to an adjudicative proceeding to contest the decision.

~~((4))~~ (5) The department may prepare and serve upon the licensee or applicant at the earliest practical time a statement of charges following a survey which identifies noncompliance with chapter 18.46 RCW and this chapter. The statement of charges must include a notice that the licensee or applicant may request a hearing to contest the charges.