



# 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: September 19, 2024

TIME: 11:31 AM

WSR 24-20-008

Agency: Department of Health

Original Notice

Supplemental Notice to WSR

Continuance of WSR

Preproposal Statement of Inquiry was filed as WSR 24-09-012 ; 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) Clarifying "culturally congruent care" in chapter 246-835 WAC, Birth Doula. The Department of Health (department) is proposing amendments to WAC 246-835-010 and 246-835-025 to update the definition of "culturally congruent care" and to clarify education and training requirements related to "culturally congruent care" and "culturally congruent ancestral practices".

### Hearing location(s):

Date:	Time:	Location: (be specific)	Comment:
November 26, 2024	2:00 PM	<b>In-Person:</b> WA State Department of Health Town Center 2 Room 166/167 111 Israel Rd SE Tumwater, Washington 98501  <b>Zoom Link:</b> Register in advance for this webinar:  <a href="https://us02web.zoom.us/webinar/register/WN_9S43VRINTjaKZqaRJCWQw">https://us02web.zoom.us/webinar/register/WN_9S43VRINTjaKZqaRJCWQw</a>  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, 2024 at 11:59 pm

### Assistance for persons with disabilities:

Contact Kim-Boi Shadduck, Program Manager

Phone 360-236-2912

Fax N/A

TTY 711

Email [kimboi.shadduck@doh.wa.gov](mailto: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 the definition of the term “culturally congruent care” in WAC 246-835-010. The updated definition better reflects the practice of “culturally congruent care” for the birth doula profession. This amendment addresses concerns expressed by the doula community regarding the definition of the term and is the result of consultation with interested individuals and birth doula community organizations.

The department is also proposing amendments to WAC 246-835-025 to provide clarity regarding the training and education requirements in this section. Proposed amendments provide clarity by separating the term “culturally congruent care” from “culturally congruent ancestral practices”. The proposed amendments address concerns expressed by interested individuals and groups by clarifying that training related to “culturally congruent care” fulfills the requirements in WAC 246-835-025, as well as training or experience related to “culturally congruent ancestral practices”.

**Reasons supporting proposal:** The department is proposing amendments to address concerns expressed by interested parties and groups regarding the definition of “culturally congruent care” and the use of the term in WAC 246-835-025. The department received a petition request for rulemaking in February of 2024 requesting that the department update the definition of “culturally congruent care”. Amending WAC 246-835-025 and the definition could address concerns raised by interested parties by clarifying the practice of “culturally congruent care” and the required competencies for a birth doula seeking state certification. Without rulemaking, there would be continued confusion between “culturally congruent care” and “culturally congruent ancestral practices”. The proposed rules provide clarity, more accurately reflect what is best practice in the profession and aligns rule language with what the department has done in practice when reviewing applications and providing certifications for birth doulas.

**Statutory authority for adoption:** RCW 18.47.030 and 18.47.800

**Statute being implemented:** None

**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:**

	Name	Office Location	Phone
Drafting	Kim-Boi Shaddock	111 Israel Rd SE, Tumwater, WA 98501	360-236-2912
Implementation	Kim-Boi Shaddock	111 Israel Rd SE, Tumwater, WA 98501	360-236-2912
Enforcement	Kim-Boi Shaddock	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 rules do not create new requirements for state certified birth doulas. The proposed rule amendments clarify and align with the department's existing practices when evaluating applications. The proposed rules more accurately reflect what the department intends by the rule. The proposed amendments are exempt from a cost-benefit analysis under RCW 34.05.328(5)(b)(iv) as they only clarify the 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: The proposed rules only impact Washington state certified birth doulas not businesses. The proposed rules clarify and align with the department's existing practices when evaluating applications. The proposed rules more accurately reflect what the department intends by the rule.

**(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. The proposed rules do not apply to businesses.

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:** September 19, 2024

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

**Title:** Chief of Policy for Secretary of Health

**Signature:**

A handwritten signature in black ink that reads "Kristin Peterson". The signature is written in a cursive style with a large initial "K".