



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: December 01, 2025

TIME: 3:01 PM

WSR 25-24-078

Agency: Department of Health

Original Notice

Supplemental Notice to WSR

Continuance of WSR

Preproposal Statement of Inquiry was filed as WSR 25-16-077; 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) Birthing Center fees

The Department of Health (department) is proposing rule amendments to update the existing fees and adding a fee and fee structure to include accreditation status for birthing centers in WAC 246-329-990.

Hearing location(s):

Date:	Time:	Location: (be specific)	Comment:
1/6/2026	2:00 p.m.	Register in advance for this webinar: https://us02web.zoom.us/webinar/register/WN_x-pSSGDeTqaqxIYgK240wA After registering, you will receive a confirmation email containing information about joining the webinar.	The Department of Health will be offering a virtual webinar hearing only. Individuals may attend virtually or submit comments in writing.

Date of intended adoption: 1/9/2026 (Note: This is **NOT** the effective date)

Submit written comments to:

Name John Hilger
Address PO Box 47850, Olympia, WA 98504-7850
Email HSQAFeeRules@doh.wa.gov
Fax N/A
Other <https://fortress.wa.gov/doh/policyreview/>
Beginning (date and time) The date and time of filing
By (date and time) 1/6/2026 at 11:59 p.m.

Assistance for persons with disabilities:

Contact John Hilger
Phone 360-236-2929
Fax N/A
TTY 711
Email john.hilger@doh.wa.gov
Other doh.wa.gov
By (date) 12/30/2025

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

The department is proposing amendments to WAC 246-329-990 to increase birthing center fees for initial license, renewal, and other charges. Rulemaking is necessary to comply with RCW 43.70.250, update current rule language, and create an enforceable fee schedule. These changes also include an accreditation category for fees.

Reasons supporting proposal:

RCW 43.70.250 requires that licensure fees fully fund the work of licensing and regulating health care facilities. Current birthing center revenue is insufficient to cover operating costs for the birthing center regulatory program (program). The program ended fiscal year (FY) 2024 with a revenue shortfall of \$(85,000). The department anticipates the current funding gap to widen as costs continue to increase in upcoming years, leading to a projected annual shortfall of \$(105,000) by FY2030. To ensure the program's financial sufficiency and sustainability, and maintain compliance with state statutory requirements, a fee increase is necessary.

Statutory authority for adoption: RCW 18.46.030, 43.70.110, and 43.70.250

Statute being implemented: RCW 43.70.250

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	John Hilger	111 Israel Road, S.E. Tumwater, WA 98501	360-236-2929
Implementation	John Hilger	111 Israel Road, S.E. Tumwater, WA 98501	360-236-2929
Enforcement	John Hilger	111 Israel Road, S.E. Tumwater, WA 98501	360-236-2929

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
TTY
Email
Other

No: Please explain: This rule is exempt from analysis according to RCW 34.05.328 (5)(b)(vi) because it is a rule that sets or adjusts fees pursuant to legislative standards.

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 set and adjust fees for birthing centers under RCW 34.05.310 (4)(f).

(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: December 1, 2025

Name: Kristin Peterson, JD for Dennis E. Worsham

Title: Chief of Policy for Secretary of Health

Signature:



WAC 246-329-990 Fees. The purpose of the fees section is to describe the fees associated with licensing, renewal, and other charges assessed by the department.

(1) A birthing center recognized as a charitable, nonprofit, or government-operated institution is exempt from fees under RCW 18.46.030.

(2) A birthing center shall submit a \$3,000 application fee to the department.

(3) A birthing center((s)) licensed under chapter 18.46 RCW ((must)) shall submit to the department an annual renewal fee of ((\$713 to the department unless a center is a charitable, nonprofit, or government-operated institution under RCW 18.46.030.

~~(2-))~~ either:

(a) \$3,000 for a birthing center; or

(b) \$1,800 for an accredited birthing center under RCW 18.46.080.

(4) A change of ownership fee of ((\$178)) \$1,000. A new license will be issued and valid for the remainder of the current license period.

~~((3-))~~ (5) The department may charge and collect from a licensee a fee of ~~((892))~~ \$3,000 for:

(a) An on-site follow-up compliance survey deemed necessary in order to complete the standard survey process;

(b) An on-site compliance survey deemed necessary due to failure of the licensee to adequately respond to a statement of deficiencies; or

(c) An on-site compliance survey deemed necessary due to a substantiated complaint investigation.

~~((4-))~~ (6) A licensee ~~((must))~~ shall submit an additional late fee in the amount of ~~((29))~~ \$50 per day, not to exceed ~~((595))~~ \$1,000, from the renewal date (which is 30 days before the current license expiration date) until the date of mailing the fee, as evidenced by the postmark, or electronic submission.

~~((5-))~~ (7) Refunds. The department ~~((must))~~ shall refund fees paid by the applicant for initial licensure as follows:

(a) If an application has been received but no on-site survey or technical assistance has been performed by the department, two-thirds of the fees paid, less a \$50 processing fee; or

(b) If an application has been received and an on-site survey or technical assistance has been performed by the department, one-third of the fees paid, less a \$50 processing fee.

(c) The department may not refund applicant fees if:

(i) The department has performed more than one on-site visit for any purpose;

(ii) One year has elapsed since an initial licensure application is received by the department, but no license is issued because applicant failed to complete requirements for licensure; or

(iii) The amount to be refunded as calculated by (a) or (b) of this subsection is \$10 or less.