



March 21, 2024

Subject: Informative – Information on Agency Rulemaking March 1-15, 2024

Dear Tribal Leaders, Partners, & Professionals:

We thank you for your partnership and guidance on the Washington State Department of Health rulemaking process. As an agency, we are committed to honoring the Tribal sovereignty of Washington’s first Nations. As part of this commitment, and in appreciation of the governance structures of Tribal Nations, we welcome your expertise and collaboration in these current and upcoming rulemaking activities. We prioritize Tribal involvement early in the process to better ensure we are incorporating Tribal expertise, perspectives, and transparency in agency rulemaking.

In accordance with chapter [43.376 RCW](#), the [Washington State Centennial Accord of 1989](#), and the [Department of Health’s \(DOH\) Tribal Consultation and Collaboration Procedure](#), DOH invites you to review the list of rulemaking activities below and actively collaborate with staff on all topics that may be of interest.

We appreciate your feedback, if you have any suggestions or questions about how to best honor Tribal sovereignty and strengthen agency processes, please let us know.

To provide comments or requests for additional information, please contact:

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Respectfully,

A handwritten signature in blue ink, appearing to read 'Candice Wilson', is positioned below the word 'Respectfully,'.

Candice Wilson – Quatz’tenaut (Lummi)
Executive Director OTPHR

Cc: Umair A. Shah, MD, MPH, Secretary of Health, Department of Health
Jessica Todorovich, Chief of Staff, Department of Health
Kristin Peterson, Chief of Policy, Planning & Evaluation, Department of Health
Elizabeth Perez, Chief of Public Affairs and Equity, Department of Health
Tao Sheng Kwan-Gett, MD, MPH, Chief Science Officer, Department of Health
Lacy Fehrenbach, Deputy Secretary, Prevention Safety & Health, Department of Health
Michelle Davis, Executive Director, Washington State Board of Health

**Department of Health/State Board of Health
Rule Report | March 1-15, 2024**

The following is a summary and list of Department of Health and State Board of Health rules and documents filed with the Washington State’s Code Reviser Office, March 1-15, 2024.

More information on the following rules is available at: [DOH Rulemaking](#)

Highlights of Agency Rulemaking

Numbers in table are cumulative beginning January 1, 2024.

Notice of Rulemaking (CR-101)	Proposed for Hearing (CR-102)	Expedited Proposal (CR-105)	Adopted Rules (CR-103P)	Emergency Rules (CR-103E)	Policy & Interpretive Statements
15	36	4	8	9	7

- **Department of Health**
 - Proposed rule language requiring EMS data reporting to the Washington EMS Information System.
 - Work continues to reduce barriers for the home care aide workforce. Rules have been proposed to reduce hiring barriers.
- **Physical Therapy Board** proposed rules to implement legislation that expands the scope of practice of physical therapists to perform intramuscular needling.
- **State Board of Health adopted rules** to implement changes to the on-site sewage system requirements.

Agency Rulemaking

Proposed Rulemaking (CR101)

Occupational Therapy Temporary Permits and Fees. The Occupational Therapy Practice Board and the Department of Health are considering amending rules and establishing fees for temporary practice permits in response to the Washington Military Spouse Employment Act. [Filed as WSR 24-06-055.](#)

Respiratory Care Practitioner Licensure Update and Temporary Practice Permits. The Department of Health is considering amending requirements for respiratory care practitioner application, examination licensure, and out of state credentialing and temporary practice permits. [Filed as WSR 24-06-083.](#)

Proposed Rule Making (CR-102)

Athletic Trainer Scope of Practice for Medication. The Department of Health, in consultation with the Athletic Training Advisory Committee, is proposing to create a new section of rule, WAC 246-916-070 Medications, to define terms used and establish education and training requirements for athletic trainers in response to Substitute House Bill 1275, (chapter 143, Laws of 2023. [Filed as WSR 24-07-065.](#)

Audiologist and Speech-Language Pathology Interstate Compact (ASLP-IC) Fees and Renewal cycle. The Department of Health, in consultation with the Board of Hearing and Speech, is proposing a new section of rule, WAC 246-828-991, to implement House Bill (HB) 1001, (chapter 53, Laws of 2023). HB 1001 entered Washington into the ASLP-IC interstate licensure compact for audiologists and speech-language pathologists and gives member states the discretion to charge a fee for granting compact privileges. The proposed rule specifies the fees and renewal cycle for compact practice privileges in Washington state. [Filed as WSR 24-07-064.](#)

Emergency Medical Services (EMS) Data Reporting. The Department of Health is proposing amendments to existing sections and the addition of two new sections to chapter 246-976 WAC relating to EMS Data Systems reporting to the Washington EMS Information System (WEMSIS) system to meet the requirements of Section 19 of Substitute Senate Bill 5380 (chapter 314, Laws of 2019). [Filed as WSR 24-06-084.](#)

Home Care Aide Workforce - Reducing Barriers. The Department of Health is considering amending chapter 246-980 WAC to implement Engrossed Second Substitute House Bill 1694, (chapter 424, Laws of 2023) and Engrossed Second Substitute Senate Bill 5278, (chapter 323, Laws of 2023). These laws reduce barriers to hire home care aides. [Filed as WSR 24-06-066.](#)

Classifying Wildlife Capture Drugs as Legend Drugs. The Pharmacy Quality Assurance Commission is proposing to amend WAC 246-945-507 to add four intramammary antibiotics to the list of approved legend drugs in chapter 246-945 WAC in response to request from Washington State Department of Fish and Wildlife. [Filed as WSR 24-07-066.](#)

Removing Fenfluramine from The List of Schedule IV Substances. The Pharmacy Quality Assurance Commission is proposing to add a new subsection to WAC 246-945-055 to utilize the commission's authority, to delete substances designated as a Schedule IV controlled substance. The commission is also proposing to create a new section, WAC 246-945-05001, to establish a list of exempted substances from RCW 69.50.204, RCW 69.50.206, RCW 69.50.208, RCW 69.50.210, and RCW 69.50.212, including fenfluramine. [Filed as WSR 24-07-067.](#)

Physical Therapists Intramuscular Needling, Also Known as Dry Needling. The Board of Physical Therapy and Department of Health are proposing amendments to clarify statutory requirements for education and training and define the endorsement for intramuscular needling, and to amend fees and renewal cycle, to implement Second Substitute House Bill 1039, (chapter 198, Laws of 2023) which expands the scope of practice of physical therapists to perform intramuscular needling. [Filed as WSR 24-06-067.](#)

Substance Use Disorder Monitoring Program Update for Nursing Professions. The Washington State Board of Nursing proposes amendments and an addition to rules relating to the board's substance use disorder (SUD) monitoring program in response to Substitute House Bill (SHB) 1255 (chapter 141, Laws of 2023) including application requirements for a stipend. [Filed as WSR 24-07-063.](#)

Adopted Rules (CR-103P)

On-Site Sewage System Requirements. The State Board of Health has adopted amendments to chapter 246-272A WAC to implement changes to existing requirements. The adopted rule establishes new requirements, including requirements for field verification of proprietary

products, property transfer inspections, remediation, and product supply chain issues and makes clarification updates. [Filed as WSR 24-06-046.](#)

Emergency Rules (CR-103E)

Medication Assistance in Community-Based and In-Home Care Settings. The Pharmacy Quality Assurance Commission and Department of Health are filing jointly to reinstate medication assistance rules which establish criteria for medication assistance in community-based and in-home care settings in WACs 246-945-710, 246-945-712, 246-945-714, 246-945-716, 246-945-718, 246-945-720, 246-945-722, 246-945-724, 246-945-726, and 246-945-728. This adopted emergency rule will extend WSR 23-23-032 filed on November 3, 2023, without change. [Filed as WSR 24-06-047.](#)

Amending the Definition of and Creating Additional Credentials for Mental Health Professionals. The Department of Health is amending the definition of mental health professional and creating certified agency affiliated counselor and licensed agency affiliated counselor credentials to implement Second Substitute House Bill 1724 (chapter 425, Laws of 2023). This emergency rule amends WACs 246-341-0200 and 246-341-0515 in chapter 246-341 WAC, Behavioral Health Agency Licensing and Certification Requirements, and WACs 246-810-010, 246-810-015, and 246-810-990 in chapter 246-810 WAC, Counselors. [Filed as WSR 24-07-062.](#)

Removing Postgraduate Medical Training Barriers to Physician Licensing. The Washington Medical Commission is extending its emergency rule that amends WAC 246-919-330 to eliminate the outdated requirement for consecutive years of training in no more than two programs. This change will remove a barrier for qualified applicants to obtain a physician license. This rule continues emergency rules filed on November 9, 2023, under WSR 23-23-071 while permanent rulemaking is in process. [Filed as WSR 24-07-019.](#)

Expedited Rule Making (CR-105)

None filed during this period.

Miscellaneous

Board of Denturists revised meeting schedule for 2024. [Filed as WSR 24-07-017.](#)

Interpretive Statement CHS-01-17-24 | Hospital Staffing Committees. Interpreting the requirements of RCW 70.41.420, which describes the establishment, composition, and responsibilities of hospital staffing committees. [Filed as WSR 24-07-061.](#)

Policy Statement OD 24-01 | Optometry Continuing Education – Reporting of In-Person Hours for Year 2024. Allowances for in-person continuing education for licensed optometrists who have a continuing education reporting date in year 2024. [Filed as WSR 24-07-038.](#)