



November 16, 2023

**Subject: Informative – Information on Agency Rulemaking for November 1-15, 2023**

Greetings Tribal Leaders & Tribal Partners,

We are writing to provide information in **partnership with the Washington State Department of Health rulemaking process**. We are committed to honoring the government-to-government relationship with sovereign Tribal nations and tribal partners.

We prioritize Tribal involvement early in the process to better ensure we are incorporating Tribal expertise, perspectives, and transparency in agency rulemaking. As part of this commitment, and in appreciation of the governance structures, we welcome your expertise and partnership in these current and upcoming rulemaking activities.

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

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**We appreciate your time and consideration with the Washington State Department of Health rulemaking process.**

Respectfully,

A handwritten signature in blue ink, appearing to read 'Candice Wilson', with a stylized flourish at the end.

Candice Wilson – Quatz'tenaut  
Tribal Policy Director  
Office of Tribal Public Health & Relations

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

## DOH Rule Report for November 1-15, 2023

The following Department of Health and State Board of Health rules and documents were filed with the Washington State's Code Reviser Office between **November 1-15, 2023**.

More information on the following rules is available at: [The Washington State Department of Health Rule-making Activity Website](#)

### DEPARTMENT OF HEALTH

#### Preproposal Statement of Inquiry (CR-101)

**Prescription Transfers.** The Pharmacy Quality Assurance Commission is considering amending WAC 246-945-345 and potentially establishing a new section in chapter 246-945 WAC to clarify the expectation of pharmacies related to prescription transfers upon patient request. Filed as WSR 23-23-051.

**Private Detention Facilities.** The Department of Health is considering establishing chapter 246-385 WAC as a new chapter of rules to set inspection and operational standards for private detention facilities, health and safety standards for detained persons, and issuance of civil penalties pursuant to Second Substitute House Bill 1470 (2SHB 1470), chapter 419, Laws of 2023. Filed as WSR 23-23-079.

#### Proposed Rule Making (CR-102)

**Dental School Faculty Member Licenses.** The Dental Quality Assurance Commission is proposing amending WAC 246-817-150 to remove specific references about granting licenses to University of Washington faculty and replacing this with a reference to a faculty of any institution of higher education in Washington state accredited by the Commission on Dental Accreditation (CODA). Filed as WSR 23-23-053

**Dietitians and Nutritionists Rule Updates.** The Department of Health is proposing amending, repealing, and creating new rule sections in chapter 246-822 WAC, Dietitians and Nutritionists, to clarify, streamline, update, and modernize rules for licensing dietitians and nutritionists. Filed as WSR 23-22-131

#### Expedited Rules (CR105)

**None Filed During This Period.**

#### 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 as permitted under chapter 69.41 RCW by adopting new rules in 246-945 of WAC. This rule establishes criteria for medication assistance in community-based and in-home care settings. This adopted emergency rule will extend WSR 23-15-017 filed on July 7, 2023 without change. Filed as WSR 23-23-032

**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 the initial emergency rule filed on July 13, 2023, under WSR 23-15-056. The commission will continue this emergency rule until the post graduate medical training standards are adopted through the permanent rule making process. Filed as WSR 23-23-071

### Adopted Rules (CR103P)

**Health Equity Continuing Education for Certified Counselors and Certified Advisers.**

The Department of Health adopted amendments to WACs 246-810-027 and 246-810-0298 and creating a new section, WAC 246-810-0299, to establish two hours of health equity continuing education (CE) requirements every four years for certified counselors and certified advisers. The health equity CE requirement is counted under existing, unspecific CE requirements for the profession and does not change the total number of CE hours required. Additionally, clarify and streamline rule language without changing its effect. Filed as WSR 23-23-033

**Health equity Continuing Education for Substance Use Disorder Professionals.**

The Department of Health adopted amendments to WAC 246-811-220, 246-811-240, and 246-811-280 and adopts a new rule section, WAC 246-811-290, to establish two hours of health equity continuing education (CE) requirements every four years for substance use disorder professionals. The adopted rules do not change the total CE hours. The hours are counted under existing, unspecified CE requirements for the profession. Additionally, the department adopts minor amendments to update and clarify rule language. Filed as WSR 23-23-034

**Naturopathic Non-Surgical Cosmetic Injection Administration Rules for Botulinum**

**Toxin.** The Board of Naturopathy adopted new rules that identify Botulinum Toxin (Botox) as a legend approved drug, clarify procedures that are within the scope of practice of naturopathic medicine, set training requirements, and establish minimum standards for the performance of nonsurgical cosmetic procedures by naturopathic physicians licensed in Washington state. The adopted rules also amend WAC 246-836-210 by removing the current exclusion for the use of Botox for cosmetic purposes. Filed as WSR 23-23-077

**Health Equity Continuing Education for Osteopathic Physicians.**

The Board of Osteopathic Medicine and Surgery adopted a new rule, WAC 246-873-045, to establish health equity continuing education (CE) requirements. The adopted rules do not change the total CE hours. They require two hours in health equity CE every four years, which is absorbed into the existing number of required CE hours. The health equity CE requirement is counted under existing, unspecified CE requirements for the profession. Filed as WSR 23-23-078

### Miscellaneous

**POLICY STATEMENT Notice of Adoption.** This policy Issued by the Pharmacy Quality Assurance Commissions clarifies the Commission’ approach to United States Pharmacopeia General chapters <795>, <797>, <800>, and <825> as it relates to WAC 246-945-100 and

RCW 18.64.270(2). Policy PO-10. Effective Date: November 1, 2023. Filed as WSR 23-23-041

**INTERPRETIVE STATEMENT Notice of Adoption:** This statement Issued by The Washington Medical Commission establishes the use of Nitrous Oxide in Office-Based Settings Under WAC 246-919-601, and regulates the use of analgesia, anesthesia, and sedation in office-based settings to exempt the use of nitrous oxide from the requirements of WAC 246-919-601. Interpretive Statement INS2023-02. Effective Date: October 20, 2023. Filed as WSR 23-23-048.

**STATE BOARD OF HEALTH RULE REPORT FOR NOVEMBER 1-15, 2023**

**Preproposal Statement of Inquiry (CR-101)**

None filed during this period.

**Proposed Rule Making (CR-102)**

None filed during this period.

**Expedited Rules (CR-105)**

None filed during this period.

**Emergency Rules (CR-103E)**

None filed during this period.

**Adopted Rules (CR-103P)**

None filed during this period.

**Miscellaneous**

None filed during this period.