

Department of Health and State Board of Health Rule Making Activities
Updated October 14, 2011

RULE-MAKING THAT WILL CONTINUE

Division	Rule Title	Comment	Stage in Process	Meet Federal Reqmts	Implement Legislation	Court Order	Manage Budget Shortfalls	Protect Public Health	Beneficial/ Requested by Regulated Entity	Emergency Rules	Internal Gov. Operations	Does Not Qualify for Exemption
CFH	Chapter 246-102 WAC - Cancer Registry.	Rule approved to move forward with rulemaking on June 29, 2011. SB 5149 requires DOH to make necessary rule changes to implement bill. New proposed rule language will include proposed rule language from previous rulemaking that was not adopted prior to the rule moratorium.	CR-103		XXXXX							
CFH	WAC 246-790- 010, -050, -060, -065, -070, -080, -085, -090, -100, -120, -130 -amending Women, Infants and Children (WIC) Nutrition Program requirements for selecting authorized retailers, submitting food products for approval, and updating non-compliance sanctions and fines.	Primarily updating with federal requirements and clarifying language for readability. CR102 filed as WSR11-17-103 on 8/22/11, hearing was held on 10/5/2011; CR103 being drafted.	CR-103						XXXXX			
EH	Chapter 246-292 WAC - Waterworks Operator Certification, is being amended to incorporate recent statutory changes. The department will also consider a chapter update that may include addressing operational issues and incorporating long-standing guidelines into the rule.	2009 legislation.	CR-101		XXXXX				XXXXX			
EH	Chapter 246-296 WAC - Drinking Water State Revolving Fund Loan Program (DWSRF).	Federal requirement. - - Repealed original CR101, opening a new CR101 with broader scope, in division review	CR-101	XXXXXX					XXXXX	XXXXXX		
EH	This rulemaking is necessary to adopt federal requirements into Radiation protection – air emissions chapter 246-247 WAC, sections 035, 075, and 080, to obtain full delegation of the Radioactive Air Emissions Program. In order to receive full delegation, the rulemaking will do two things: Update reference to 2011 federal standards; and adopt enforcement authority consistent with federal requirements.	Exception rulemaking - CR102 filed as WSR11-20-091 on 10/4/2011. Public hearing scheduled for 11/8/2011	CR-101	XXXXXX					XXXXX			

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HSQA	Chapter 246-562 WAC, J-1 Physician Visa Waiver regulations.	Requires updates due to changes in federal public law passed in 2008, PL 110-362. Benefits regulated entities by reducing state rules that exceed Federal requirements. Program advised changes are internal govt. operations and could be processed as expedited rules instead of standard rulemaking.	CR-101	XXXXX								
HSQA	Chapter 246-337 WAC - Residential treatment facility (RTF) - updating the rules to reflect federal and state regulatory changes and current business and professional practices.	DEA and DOH met in the fall of 2010 to discuss DEA requirements and conflicts within current RTF rule language. DOH agreed to open and amend RTF rules so that they do not conflict with federal requirements.	CR-101	XXXXX								
HSQA	New chapter 246-874 WAC - Pharmaceutical Services - Correctional Pharmacy Standards. The rules will provide clear and enforceable standards for medication storage; drug distribution; drug security; and drug accountability for pharmacies that are operated in whole or part by a correctional facility.	Requested by DOC (all state prisons) and King Co. jails. DOC has made significant financial cuts and needs to provide medications to patient populations. It is important that anyone dispensing medications is trained.	CR-101					XXXXX	XXXXX			
HSQA	Chapter 246-886 WAC - Animal Control - legend drug and WAC 246-887-050, 060 and 070 rules regulating to the possession, administration and storage of sodium pentobarbital.	Rule was requested by a petition.	CR-101					XXXXX	XXXXX			
HSQA	Chapter 246-926 WAC - amending and adding new sections for licensure requirements for cardiovascular invasive specialists.	SHB 2430 (2010) - rules must be done by 7/1/12, the end of the grandfather clause.	CR-101		XXXXX							
HSQA	Chapter 246-305 WAC Certification of independent review organizations. Update the existing standards for certification to meet the minimum standards set in the National Association of Insurance Commissioners' Uniform External Review Model Act.	Revisions to incorporate changes from the National Association of Insurance Commissioners' Uniform External Review Model Act.	CR-101	XXXXX								
HSQA	WAC 246-887-100 Schedule I. Proposal to add synthetic cannabinoids and substituted cathinones to the Schedule I controlled substance list.	CR-101 filed on 01/27/11 as WSR 11-04-066 ; CR102 was filed as WSR11-16-040 on 7/27/2011; CR103 pending division approval	CR-103				XXXXX					

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HSQA	Certification. Adding new rules to establish continuing education (CE) requirements for pharmacy technicians and making housekeeping changes to clarify certification renewal and expired credential reactivation requirements.	CR101 filed on 8/22/2011 as WSR #11-17-101	CR-101		XXXXX							
HSQA	WAC 246-810-010 Definitions and WAC 246-810-016 Agencies or facilities that can employ agency affiliated counselors. Adding federally recognized Indian tribes located in Washington State to the list of entites that can employ agency affiliated counselors.	Expedited rulemaking. CR105 filed on 8/22/2011 as WSR #11-17-106	CR-105		XXXXX							
HSQA	WAC 246-843-010 and WAC 246-843-205, amending the rule to include a definition of the parameters for on-site full-time administrators in nursing homes with small resident populations when the nursing home has converted some of its licensed nursing facility bed capacity for use as assisted living or enhanced assisted living services under chapter 74.39A RCW and to tie this definition to the standards of practice.	CR101 filed on 9/7/2011 as WSR# 11-19-012	CR-101		XXXXX							
SBOH	Chapter 246-215 WAC, Food Service.	Revision to incorporate changes from 2009 FDA Model Food Code.	CR-101					XXXXX	XXXXX			
SBOH	Chapter 246-291 WAC, Group B Public Water Supplies.	Chapter revision to harmonize regulatory program with budget reductions from 2009.	CR-101		XXXXX		XXXXX					
SBOH	WAC 246-290-460, Fluoridation of Drinking Water. The State Board of Health will consider revising the rul based on the finalized U.S. Department of Health and Human Services recommendation on optimal fluoride level in drinking water.	CR101 filed on May 13, 2011 as WSR #11-11-046	CR-101					XXXXX	XXXXX			
Suspended: Rules Do Not Qualify for Exemption												
EH	Clarification of chapter 246-247 WAC - Radiation Protection - Air Emission. One possible outcome could be development of a second chapter to separately address facilities subject to United States Nuclear Regulatory Commission rules versus Environmental Protection Agency rules for regulation of radioactive air emission sources.		CR-101									XXXXX
EHSPHL	WAC 246-650 Newborn Screening, Section 991: Specialty clinic support fee.		CR-105									XXXXX

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HSQA	WAC 246-879-060 - Unauthorized sales. The Board of Pharmacy (Board) is considering amending the rule to allow an exception for pharmaceutical wholesalers to deliver veterinary drugs directly to livestock farmers under specific circumstances.		CR-101									XXXXX
HSQA	WAC 246-843-010, 070, 071, 073, 090, 093, 095, 230 and 231 - Board of Nursing Home Administrators - Application for Initial License and Endorsement		CR-101									XXXXX
HSQA	WAC 246-847-030 - Occupational therapists acting in a consulting capacity, WAC 246-847-055 - Initial application for individuals who have not practiced within the past four years, WAC 246-847-068 - Expired license, WAC 246-847-070 - Inactive credential, WAC 246-847-125 - Applicants currently licensed in other states or territories, WAC 246-847-XXX - Renewal for those that have not practiced in four years		CR-101									XXXXX
HSQA	WAC 246-828-XXX - Board of Hearing and Speech - Prohibiting the use of the title "audioprosthologist".		CR-101									XXXXX
HSQA	WAC 246-808-150 - Commission approved continuing education: The Chiropractic Quality Assurance Commission (commission) will review the current continuing education (CE) requirements for Washington State licensed chiropractors.		CR-101									XXXXX
HSQA	WAC 246-817-310 - Maintenance and retention of records and WAC 246-817-XXX creating a new section for content of dental treatment records.	AAG requested the commission modify these rules to ensure dental patient records are maintained appropriately. Consistent patient records are necessary to evaluate standard of care and treatment provided.	CR-101									XXXXX
HSQA	WAC 246-310-XXX - creating new section to establish rules for hospital acute care bed methodology.		CR-101									XXXXX
HSQA	WAC 246-808-550 - Future Care Contracts Prohibited - Chiropractic Quality Assurance Commission (commission). Revising the current rule to clarify the requirements for future care contracts.		CR-101									XXXXX

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HSQA	Chapter 246-322 WAC - Revising and updating rules for private psychiatric and alcoholism hospitals.	Initially a petition request by Assoc. of Advanced Practice Psychiatric Nurses for ARNPs. ARNPs need to be able to order patient restraints. In the process of withdrawing the original CR-101 and re-filing to combine with chapter 246-324 because rulemaking has been expanded to include current care practices and to reflect updates to hospital licensing rules. Division will revisit to determine exemption criteria and at what point to continue rulemaking.	CR-101									XXXXX
HSQA	Chapter 246-873 WAC Pharmacy - hospital standards.	Division may revisit to determine exemption criteria and at what point to continue rulemaking. Petition received which is part of overall rulemaking.	CR-101									XXXXX
HSQA	WAC 246-836-130, 246-836-140, 246-836-150, 246-836-160, 246-836-170, 246-836-180, 246-836-200, Amending accreditation requirements for naturopathic medical educational institutions.		CR-101									XXXXX
HSQA	WAC 246-836-010 and WAC 246-836-210 amending existing sections and adding a new section to Naturopathic Physician rules to identify which nonsurgical cosmetic procedures are in Naturopathic scope of practice.		CR-101									XXXXX
HSQA	WAC 246-926-180 Amending Parenteral Procedures for Radiologic Technologists to clarify if the use of PICC lines and ports is within their scope of practice.	Requested by stakeholders / association and by a rule petition. Division may revisit to determine when to move forward with rules. Division will research combining with cardiovascular tech rules because the same section must be opened for the CVT rules.	CR-101									XXXXX
HSQA	WAC 246-310-290 - Hospice services -- Standards and need forecasting method.	Division may revisit to determine exemption criteria and at what point to continue rulemaking.	CR-101									XXXXX

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HSQA	WAC 246-928-XXX - creating a new section to clarify the scope of practice regarding the administration of medications by respiratory therapists.	Rule writing was requested (informally, no petition) by the Association and other stakeholders to help clarify the scope of practice for respiratory therapists and the administration of medication. This has been an ongoing issue for the last 8-10 years. Division may revisit if appropriate to continue rulemaking under EO after more information is obtained. It may qualify under "protect public health".	CR-101									XXXXX
HSQA	Amending WAC 246-836-080 – (Naturopathic Physicians) Continuing competency program.		CR-101									XXXXX
HSQA	WAC 246-922-010 - amending to establish new definitions for podiatric physicians for prescribing orthotic devices; and adding a new section, WAC 246-922-550 - to establish standards for prescribing orthotic devices by podiatric physicians.		CR-101									XXXXX
HSQA	WAC 246-851-235 - Credits for cultural competency in clinical care.	Hearing scheduled for Dec. 3, 2010 was cancelled.	CR-102									XXXXX
HSQA	WAC 246-933-460 - Courses approved by the veterinary board. (Veterinary Board of Governors - VBOG)	Dec. 6, 2010 hearing cancelled. In response to a petition to add entities to the list of CE providers that are presumed to qualify without prior approval. VBOG denied the petition, but agreed to consider rulemaking on the topic. The State Veterinarian, Dr. Leonard Eldridge, from Dept. of Ag, requested that two or more organizations be added to the list. The Assistant State Veterinarian also requested that WSDA Animal Services be added to the list. Adding these entities will save costs and time for VBOG. If we do not move forward, costs will be incurred to process and approve CE requests that would fall under these rules. Staff estimates 1 hour/week for staff time plus board review. Significant stakeholder support for this rule. Although this rule may qualify under "manage budget shortfalls" recommending suspend rulemaking at this time. Withdrawn as 11-01-025 on 12/03/2010	withdrawn									XXXXX

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HSQA	WAC 246-928-442 - Acceptable continuing education for respiratory therapists.		CR-101									XXXXX
HSQA	WAC 246-919-430 - (Physicians) General requirements and WAC 246-918-172 - (Physician Assistants) creating a new section for Renewal general requirements.	Hearing scheduled for Nov. 23, 2010. Drs. Burger and Selinger believe this rulemaking qualifies under "protect public health" and "beneficial/requested by regulated entity". The rules would benefit physicians, local governments, and many other entities by providing valuable demographic information for health care planning and delivery. There is no opposition and much support for these rules.	CR-102									XXXXX
HSQA	New Sections in chapter 246-918 WAC, Safe and Effective Analgesia and Anesthesia Administration in Office-Based Surgery Settings as it applies to Physician Assistants.	Unclear at this time if rulemaking is necessary for PAs because they must comply with a practice plan. Program staff will look into this.	CR-101									XXXXX
HSQA	WAC 246-817-510 Definitions, WAC 246-817-520 Supportive services that may be performed by registered dental assistants, WAC 246-817-525 Supportive services that may be performed by expanded function dental auxiliaries (EFDA's), WAC 246-817-540 Acts that may not be performed by registered dental assistants or noncredentialed persons, and WAC 246-817-545 Acts that may not be performed by expanded function dental auxiliaries (EFDA's) or noncredentialed persons.		CR-101									XXXXX
SBOH	Amending chapter 246-390 WAC, Drinking Water Laboratory Certification, to remove duplication with Department of Ecology environmental laboratory rules, chapter 173-50 WAC. The amendment will also establish reporting requirements of laboratory sample results to the Department of Health and rename the chapter.		CR-101									XXXXX
SBOH	Chapter 246-272A, On-site Sewage Systems. Create a process for the approval and state registration of drainfield remediation technologies. The SBOH does not currently regulate remediation technologies.	Rulemaking based on a petition. Rulemaking currently on hold due to lack of resource.	CR-101									XXXXX

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SBOH	WAC 246-203-130 Keeping of animals	SBOH rulemaking, DOH staff not involved.	CR-101									XXXXXX
SBOH	Chapter 246-360 WAC, Transient Accommodations. Amend requirements applicable to certain homeless shelters		CR-101									XXXXXX