



# PREPROPOSAL STATEMENT OF INQUIRY

**CR-101 (October 2017)  
(Implements RCW 34.05.310)**

Do **NOT** use for expedited rule making

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FILED

DATE: August 23, 2022

TIME: 2:28 PM

WSR 22-17-142

**Agency:** Department of Health- Board of Osteopathic Medicine and Surgery

**Subject of possible rule making:** WAC 246-853-661, Exclusions. The Board of Osteopathic Medicine and Surgery (board) is considering amendments to expand the types of patients who are exempt from certain provisions of rule when being prescribed opioid drugs. The board will consider the Washington Medical Commission's recently adopted rules to ensure consistency and alignment with best practices.

**Statutes authorizing the agency to adopt rules on this subject:** RCW 18.57.005, 18.57.800, 18.130.050

**Reasons why rules on this subject may be needed and what they might accomplish:** The board works to remain consistent with the Washington Medical Commission (WMC) rules, as osteopathic physicians and allopathic physicians regularly provide care in the same settings. Maintaining consistency with WMC makes rules easier for licensees to understand and apply standards in the complex health care regulatory environment.

WMC received comments that adhering to the opioid prescribing rules for patients admitted to a long long-term acute care (LTAC) facility or nursing home, is onerous. Specifically, the current rules require a history and physical as well as a check of the Prescription Monitoring Program (PMP) be completed prior to prescribing opioids. Patients transferred to LTACs and nursing homes have their medical history documented and a physical done while in the previous facility and practitioners in LTACs and nursing homes can rely on that assessment. Inpatient hospital patients are currently exempt from the opioid prescribing rules. WMC noted that patients in LTACs and nursing homes are similarly situated to hospital patients receiving inpatient treatment. WMC also received comments that patients in Residential Habilitation Centers (RHC) were also similarly situated to LTAC and nursing home patients. The board may consider exemptions for several facility types to allow practitioners in these facilities to continue the patient's pain medications without having to wait for a physician to perform a history and physical assessment.

Adding these exemptions could allow patients to receive necessary care in an efficient manner by removing the need for a duplicative history, physical, and PMP check. Amendments would ensure consistency and alignment with allopathic practitioners and best practices.

**Identify other federal and state agencies that regulate this subject and the process coordinating the rule with these agencies:** None

**Process for developing new rule (check all that apply):**

- Negotiated rule making
- Pilot rule making
- Agency study
- Other (describe) Collaborative rulemaking

**Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting:**

Name: Becky McElhiney  
Address: PO Box 47852 Olympia, WA 98504-7852  
Phone: 360-236-4766

(If necessary)

Name:  
Address:  
Phone:

Fax: 360-236-2901

TTY: 711

Email: [osteopathic@doh.wa.gov](mailto:osteopathic@doh.wa.gov)

Web site: <https://doh.wa.gov/licenses-permits-and-certificates/professions-new-renew-or-update/osteopathic-physician-and-surgeon>

Other:

Fax:

TTY:

Email:

Web site:

Other:

Additional comments: To join the interested parties email list, please visit:  
[https://public.govdelivery.com/accounts/WADOH/subscriber/new?topic\\_id=WADOH\\_153](https://public.govdelivery.com/accounts/WADOH/subscriber/new?topic_id=WADOH_153)

**Date:** August 23, 2022

**Name:** Jennifer Santiago for Megan Maxey

**Title:** Executive Director

**Signature:**

