



April 18, 2024

**Informative – Information on Agency Rulemaking April 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 written over a light blue horizontal line.

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 | April 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 between April 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
22	39	4	12	11	8

- **Department of Health**
  - The department is considering updates to the **Birth Doula profession** rules to redefine “culturally congruent care” and to reduce barriers for out-of-state applicants.
  - The department will consider **increasing the public water system fees** to align with program costs.
  - The department **withdrew shellfish fee rulemaking** to allow a third-party consultant funded by a budget proviso to study the commercial shellfish regulatory program and make a fee recommendation.
- **Boards and Commissions**
  - The Board of Nursing is proposing new rules to **delegate blood glucose** monitoring and testing to align with recent legislation.
  - The Veterinary Board of Governors worked to reduce barriers by adopting rules to clarify that a registered apprenticeship program is an approved post-secondary education **pathway to licensure for Veterinary Technicians**.
  - The Pharmacy Commission re-filed emergency rules to continue the use of **naloxone nasal spray** as over-the-counter status.

**Agency Rulemaking**

**Preproposal Statement of Inquiry (CR101)**

**Birth Doula Clarification of “Culturally Congruent Care”.** The Department of Health is considering amendments to WAC 246-835-010 and WAC 246-835-025 to clarify the definition of “culturally congruent care” and to ensure education and training requirements related to “culturally congruent care” are clear. [Filed as WSR 24-09-012.](#)

**Birth Doulas Requirements for Licensure by Endorsement.** The Department of Health is considering amendments to the birth doula certification requirements in WAC 246-835-040, Applicants currently certified in other states or territories, to comply with Second Substitute House Bill (2SHB) 1724 (chapter 425, Laws of 2023). [Filed as WSR 24-09-050.](#)

**Genetic Counselor - Removing Barriers to Licensure Barriers.** The Department of Health is considering amendments to genetic counselor licensure requirements in WAC 246-825-080 Licensure by endorsement, to comply with Second Substitute House Bill (2SHB) 1724 (chapter 425, Laws of 2023) to make disciplining authorities review and adjust licensure requirements to remove barriers to entering and remaining in the health care workforce, and to streamline and shorten the credentialing process. [Filed as WSR 24-09-014.](#)

**Public Water System Fees.** The Department of Health is considering updating public water system fees to generate sufficient income to cover costs of the program. This may include updating or restructuring existing fees or creating new fees. [Filed as WSR 24-08-068.](#)

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

**Registered Nurse (RN) Delegation of Glucose Monitoring and Testing.** The Washington State Board of Nursing is proposing new sections of rule, WAC 246-840-835 and 246-840-935, and amendments to WAC 246-840-930 and 246-840-940 to implement Substitute House Bill (SHB) 1124 (chapter 14, Laws of 2022) to expand the delegation of glucose monitoring and testing to all settings where Nursing Assistant -Registered and Nursing Assistant-Certified individuals work. Additionally, the board is proposing changes to supervision and valuation timeframes to align with SHB 1124. [Filed as WSR 24-08-076.](#)

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

**Apprenticeship Programs for Veterinary Technicians.** The Veterinary Board of Governors is adopting an amendment to WAC 246-935-060 Eligibility for examination as a veterinary technician, to clarify that a registered apprenticeship program is an approved post-secondary educational pathway to qualify for licensure exams as a veterinary technician. [Filed as WSR 24-09-036.](#)

**Reference to United States Pharmacopeia (USP) Chapters.** The Pharmacy Quality Assurance Commission has adopted a revision to WAC 246-945-100, Compounding minimum standards, to update the rule to the most recent version of the USP – National Formulary <795> and <797>. This will capture the revisions to the USP <795> and <797>, which have been made official since WAC 246-945-100 became effective on July 1, 2020. [Filed as WSR 24-09-051.](#)

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

**Naloxone Nasal Spray as Over-the-Counter Status.** This emergency rule filing allows for the 3mg and 4mg dosage versions of naloxone spray to be prescribed as Over-The-Counter (OTC) products. This rule is unchanged from the previous emergency rule under WSR 24-01-021 filed on December 8, 2023. This emergency rule will be continued until the permanent rulemaking is effective. [Filed as WSR 24-09-013.](#)

### **Expedited Rule Making (CR-105)**

None filed during this period.

### **Miscellaneous**

**Chiropractic Quality Assurance Commission revised meeting schedule for 2024.** [Filed as WSR 24-09-017.](#)

**Chiropractic Quality Assurance Commission, Waiver of Jurisprudence Examination for Certain Chiropractic License Applicants or Inactive License Holders | Policy Statement CH-24-03-014.** The Washington State Chiropractic Quality Assurance Commission issued a policy statement stating that an Individual’s holding a chiropractic license in “inactive” status, and endorsement or expired credential reissuance applicants are not required to take and pass the jurisprudence examination if the applicant holds an active credential recognized as having substantially equivalent standards. [Filed as WSR 24-09-029.](#)

**Department of Health, Memo Rescinding Emergency Rules for On-Site Sewage System Substitute Proprietary Treatment Product Components.** The Department of Health is rescinded the CR-103E for the Sixth Emergency rule for proprietary treatment products and the use of substitution products under WAC 246-272A-0110, published as WSR 24-04-071 because a permanent rule WSR 24-06-046 filed on March 1, 2024 makes the emergency rule redundant. [Filed as WSR 24-08-067.](#)

**Department of Health, Withdrawal of Shellfish Fee Rulemaking.** The Department of Health withdrew the CR-101 published as WSR 23-04-061 and the CR-102 published as WSR 23-23-186 for WAC 246-282-990, Shellfish fees, because the 2024 Legislature passed a budget proviso that gives the department funding to contract with an independent third-party consultant to study the commercial shellfish regulatory program and make recommendations on fees. The budget proviso prohibits the department from increasing commercial shellfish fees during fiscal year 2025. [Filed as WSR 24-08-079](#) and [WSR 24-08-079A.](#)

**The Department of Health, Dental Hygiene Examining Committee revised meeting schedule for 2024.** [Filed as WSR 24-09-041.](#)