



July 2, 2024

Subject: Informative- Information on Agency Rulemaking June 16-30, 2024

Dear Tribal Leaders,

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 \(WA-DOH\) 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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Sincerely,

A handwritten signature in blue ink, appearing to read "Candice Wilson".

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

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

Department of Health/State Board of Health
Rule Report
June 16-30, 2024

The following Department of Health (WA-DOH) and State Board of Health (SBOH) rules and documents were filed with the Washington State's Code Reviser Office June 16-30, 2024. If you have any questions about the documents, please contact the person on the forms.

Department of Health & State Board of Health Rulemaking

The following Department of Health (WA-DOH) and State Board of Health (SBOH) rules and documents were filed with the Washington State's Code Reviser Office in June 16-30, 2024. If you have any questions about the documents, please contact the person on the forms.

Preproposal Statement of Inquiry (CR101)

23-Hour Crisis Relief Centers for Minors in Washington State. WA-DOH is considering amending the behavioral health agency regulations in chapter 246-341 WAC, including but not limited to WAC 246-341-0903, to implement Engrossed Second Substitute Senate Bill (E2SSB) 5853 (chapter 367, Laws of 2024), an act relating to extending the crisis relief center (CRC) model to provide behavioral health crisis services for minors. [Filed as WSR 24-13-112.](#)

Athletic Trainers Review of Initial License and Endorsement Requirements. To comply with Second Substitute House Bill (2SHB) 1724 (chapter 425, Laws of 2023), WA-DOH in collaboration with the Athletic Training Advisory Committee, will consider amending WAC 246-916-030 to update substantial equivalency standard rules. [Filed as WSR 24-13-078.](#)

Large Onsite Sewage Systems - Penalty Schedule. WA-DOH is considering amending chapter 246-272B WAC to add a penalty schedule for the issuance of civil penalties. RCW 70A.115.050 gives WA-DOH the ability to assess a penalty of not more than ten thousand dollars per day for every violation of a law or rule regulating large onsite sewage systems. Rules that establish a penalty schedule will clarify WA-DOH's penalties based on the severity of the violation. [Filed as WSR 24-13-109.](#)

Magnetic Resonance Imaging (MRI) Technologist Certification. WA-DOH is considering adding new sections to and updating sections of chapter 246-926 WAC, Radiologic imaging professionals, to implement Substitute House Bill (SHB) 2355 (chapter 94, Laws of 2024), which establishes certification of MRI technologists. The WA-DOH will also consider minor housekeeping edits and or updates related specifically to establishing and regulating MRI technologists. [Filed as WSR 24-13-114.](#)

Primary and Secondary School Environmental Health and Safety Regulations. The State Board of Health (board) is considering creating a new chapter (chapter 246-370 WAC) of draft rules for school environmental health and safety. The board will consider establishing minimum statewide health and safety standards for schools, formalizing school environmental health and safety inspection procedures, and repealing chapters 246-366 and 246-366A WAC. [Filed as WSR 24-13-117.](#)

Proposed Rule Making (CR-102)

Acupuncture and Eastern Medicine Point Injection Therapy Virtual Training. WA-DOH, in collaboration with the Acupuncture and Eastern Medicine Advisory Committee, is proposing to amend

WAC 246-803-040, Education and training for point injection therapy, to allow a minimum of eight hours of didactic education to occur through live interactive webinar. [Filed as WSR 24-13-118.](#)

Audiologist and Speech-Language Pathology Interstate Compact (ASLP-IC) Fees and Renewal Cycle. WA-DOH in consultation with the Board of Hearing and Speech, is adopting a new section of rule, WAC 246-828-991, to implement House Bill (HB) 1001 (chapter 53, Laws of 2023) which entered Washington state into the ASLP-IC interstate compact for audiologists and speech-language pathologists and gave member states the discretion to charge a fee for granting compact privileges. This amendment is being considered to ensure that there is sufficient funding to recover the costs of issuing a license for compact privileges in Washington state. [Filed as WSR 24-13-111.](#)

J-1 Physician Visa Waiver Rules. WA-DOH is proposing a rewrite and reorganization of chapter 246-562 WAC to clarify and update rules about J-1 physician visa waivers. [Filed as WSR 24-13-113.](#)

Adopted Rules (CR-103P)

Athletic Trainer Scope of Practice for Medication. WA-DOH in collaboration with the Athletic Training Advisory Committee adopted a new section in chapter 246-916 WAC in response to Substitute House Bill (SHB) 1275 (chapter 143, Laws of 2023). This rule authorizes athletic trainers to purchase, store, and administer certain medications as prescribed by an authorized health care practitioner for the practice of athletic training in accordance with the training program, and creates enforceable standards and sets training requirements. [Filed as WSR 24-13-115.](#)

Glucose Monitoring and Testing Delegation by Registered Nurse (RN). The Washington State Board of Nursing adopted amendments WAC 246-840-930 and WAC 246-840-940 and adopted new rules, WAC 246-840-835 and WAC 246-840-935, to change the amount of time required for RN supervision and evaluation of the delegated task of insulin injections as well as established new sections of rule regarding nurse delegation of blood glucose monitoring and testing, in response to Substitute House Bill (SHB) 1124 (chapter 14, Laws of 2022). [Filed as WSR 24-13-079.](#)

Nursing Substance Use Disorder Monitoring Program Update and Stipend. The Washington State Board of Nursing adopted rules amending WAC 246-840-750 through 246-840-780 and adding WAC 246-840-790 to establish new definitions, update existing terms, and add application requirements for a stipend for the substance use disorder monitoring program for nursing professionals in response to Substitute House Bill 1255 (chapter 141, Laws of 2023) codified in RCW 18.79.440. [Filed as WSR 24-12-066.](#)

Osteopathic Physicians and Surgeons Substance Abuse Monitoring Program Updates. The Board of Osteopathic Medicine and Surgery has adopted amendments to WAC 246-853-290, 246-853-300, 246-853-310, and 246-853-320 to update the rules regarding health profession monitoring programs. The adopted changes align existing rule language with the changes made in Substitute Senate Bill (SSB) 5496 (chapter 43, Laws of 2022). These changes align the rules with currently accepted language for substance use disorders and related monitoring programs. [Filed as WSR 24-14-032.](#)

Post Medical Training for Physicians. The Washington Medical Commission has adopted amendments to WAC 246-919-330 to eliminate the outdated requirement for consecutive years of training in no more than two programs. This change removes a barrier for qualified applicants to obtain licensure. This permanent rule will supersede the emergency rule filed on March 8, 2024, as WSR 24-07-019. [Filed as WSR 24-13-019.](#)

Emergency Rules (CR-103E)

Drinking Water Contaminate Testing for State Action Levels (SALs) and State Maximum Contaminant Levels (MCLs). The Washington State Board of Health adopted an emergency rule on June 12, 2024, to amend WAC 246-290-315 regarding SALs and MCL in order to maintain vital public health protections for drinking water safety. Along with the emergency rulemaking, the board will consider permanent rulemaking to amend the rule language to align with the emergency provision and explore other protections. [Filed as WSR 24-14-016.](#)

Medication Assistance in Community-based and In-home Care Settings. The Pharmacy Quality Assurance Commission and WA-DOH are filing jointly to reinstate medication assistance rules as permitted under chapter 69.41 RCW by adopting new rules which extends emergency rules WSR 24-06-047 filed on March 1, 2024, without change. This rule establishes criteria for medication assistance in community-based and in-home care settings in accordance with chapter 69.41 RCW. [Filed as WSR 24-14-078.](#)

Mental Health Counselors, Marriage and Family Therapists, and Social Workers - Reducing Barriers to Licensure and Credentialing Process. WA-DOH is adopted emergency rules to meet the requirements of Second Substitute House Bill 1724 (chapter 425, Laws of 2023) and Engrossed Second Substitute House Bill 2247 (chapter 371, Laws of 2024). WA-DOH will also consider adopting these changes through the permanent rulemaking process, under WSR 24-10-012, filed April 18, 2024. These emergency rules will be renewed while permanent rulemaking is in progress. [Filed as 24-14-080.](#)

Psychologist - Reducing Barriers to Licensure and Credentialing. The Examining Board of Psychology is adopting emergency rules to implement parts of Second Substitute House Bill (2SHB) 1724 (chapter 425, Laws of 2023). The legislature passed 2SHB 1724 in 2023 to reduce barriers to entering and remaining in the workforce and to streamline the credentialing process. These emergency rules will be continued while permanent rules are in progress under WSR 24-11-005, filed on May 2, 2024. [Filed as WSR 24-14-079.](#)

Expedited Rule Making (CR-105)

None Filed for this period.

Miscellaneous

Board of Physical Therapy. Schedule of regular meetings for 2025. [Filed as WSR 24-13-087.](#)

Dental Quality Assurance Commission. Schedule of regular meetings for the year 2025. [Filed as WSR 24-13-097.](#)

WA-DOH Interpretive Statement CHS-01-17-24.2 | Hospital Staffing Committees. WA-DOH's interpretation of RCW 70.41.420, as it relates to the establishment, composition, and responsibilities of hospital staffing committees. [Filed as WSR 24-14-022.](#)

WA-DOH Policy Statement HSQA-24-01 | Emergency Abortion Care in Hospitals Providing Emergency Services. WA-DOH issued a policy statement regarding health requirements for hospitals providing emergency services to provide immediate access to abortion services or secure transfer to another hospital. [Filed as WSR 24-13-083.](#)

Washington State Board of Health. Schedule of regular meetings for 2025. [Filed as WSR 24-14-033.](#)