



August 20, 2024

**Subject: Informative- Information on Agency Rulemaking August 1-15, 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 blue ink handwritten signature of 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 |

August 1-15, 2024

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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 August 1 - 15, 2024. If you have any questions about the documents, please contact the person on the forms.

#### **Preproposal Statement of Inquiry (CR101)**

**Chiropractic Fees and Renewal Cycle.** WA-DOH is considering revisions to WAC 246-808-990 to update chiropractic and X-ray technician licensure, registration, renewal, and other fees including clarifying updates. [Filed as WSR 24-16-084.](#)

**Dental Assistant Registration - Minimum Age Requirements.** The Dental Quality Assurance Commission is considering amending WAC 246-187-190 to include a minimum age requirement for dental assistant registration. [Filed as 24-16-138.](#)

**Podiatric Physicians and Surgeons – Reducing Licensure Barriers.** The Podiatric Medical Board is considering updates to reduce licensure barriers for podiatric physician and surgeons and amending reciprocity requirements in WAC 246-922-055 to comply with Second Substitute House Bill (2SHB) 1724 (chapter 425, Laws of 2023) codified at RCW 18.130.077. [Filed as WSR 24-16-137.](#)

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

**Osteopathic Physician Exam Requirements.** The Board of Osteopathic Medicine and Surgery is proposing amendments to update the examination requirements for licensure of osteopathic physicians in WAC 246-853-020. [Filed as WSR 24-16-116.](#)

**Drugs Storage Access Expansion.** The Pharmacy Quality Assurance Commission is proposing to amend WAC 246-945-455 to allow unlicensed employees or contractors of a health care facility to access certain drugs that are stored outside of the pharmacy in a designated area when they are acting within their scope of employment. [Filed as WSR 24-17-006.](#)

**Pharmacy Intern Credentials.** The Pharmacy Quality Assurance Commission is proposing to amend WAC 246-945-155 to grant additional renewals to pharmacy interns. Additionally, the commission proposes to amend WAC 246-945-156 to extend the duration of pharmacy intern temporary practice permits to 180 days which stems from compliance with Second Substitute House Bill (2SHB) 1009 (chapter 165, Laws of 2023). [Filed as WSR 24-17-007.](#)

**Prescription Transfers.** The Pharmacy Quality Assurance Commission is proposing to amend WAC 246-945-345 and add a new section, WAC 246-945-346 to establish the expectations of pharmacies related to noncontrolled and controlled substance prescription transfers upon patient request. [Filed as WSR 24-17-002.](#)

**Prescription Drug Label Accessibility Standards.** The Pharmacy Quality Assurance Commission is proposing amendments to WAC 246-945-015 and adding four new sections to chapter 246-945 WAC establishing prescription label accessibility standards to ensure meaningful access to prescription information for patients with visual impairments or print disabilities, and for limited English Proficient patients. [Filed as WSR 24-17-046.](#)

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

**23-Hour Crisis Relief Centers in Washington State - Behavioral Health Agency Regulations.** WA-DOH adopted amendments to chapter 246-341 WAC establishing regulations for 23-hour crisis relief centers. The amendments adopt standards for certification of CRCs, including standards for determining medical stability before an emergency medical services drop-off, the number of licensed or certified recliner chairs allowed in the facility, and physical environment standards for the construction review process. The standards are being proposed as a new type of certification in chapter 246-341 WAC, the behavioral health agency licensing and certification requirements. [Filed as WSR 24-17-003.](#)

**23-Hour Crisis Relief Center Acute Care Discharge or Transfer of Patients.** WA-DOH adopted an amendment to WAC 246-320-111 to clarify the regulatory requirements for licensed acute care hospitals that wish to discharge or transfer a patient to a 23-hour crisis relief center. [Filed as WSR 24-17-004.](#)

**Organ Transport Services and Vehicles Licensing Requirements.** WA-DOH adopted a new rule establishing minimum requirements for vehicle and equipment standards, as well as establishes the licensing process to obtain an organ transport license. [Filed as WSR 24-17-005.](#)

**Prescription Monitoring Program Term Clarification.** WA-DOH adopted clarifying terms and added definitions of “delivery”, “dispense”, and “ultimate user.” WA-DOH also adopted language to clarify a prescriber’s ability to request the history of prescriptions the prescribers have written to decrease confusion regarding requirements of dispensers and prescribers. [Filed as WSR 24-16-119.](#)

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

**Naloxone Nasal Spray Over-the-Counter Status.** The Pharmacy Quality Assurance Commission adopted emergency rules to amend WAC 246-945-030 and add a new section, WAC 246-945-034, classifying the 3mg and 4mg naloxone hydrochloride nasal spray as approved by the United States Food and Drug Administration (FDA) for over-the-counter (OTC) distribution as an OTC drug in Washington state to combat the opioid epidemic in Washington. [Filed as WSR 24-16-085.](#)

**WA HEALTH Reporting for Acute Care Hospitals.** WA-DOH is extending an emergency rule to continue to require acute care hospitals in Washington state, licensed under chapter 70.41 RCW, to report hospital maintenance and operation data to WA-DOH through Washington’s Healthcare and Emergency and Logistics Tracking Hub (WA HEALTH) in accordance with the WA HEALTH User Guide. This emergency rule continues without change, the existing emergency rule originally filed on August 31, 2022. [Filed as WSR 24-16-139.](#)

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

No filings during this time period.

### **Miscellaneous**

**Board of Hearing and Speech schedule of regular meetings for 2025.** [Filed as WSR 24-17-028.](#)

**Nursing Pool Transparency | Policy Statement NR 24-01.** WA-DOH issued a policy statement providing clarity about the reporting requirements outlined in Substitute Senate Bill 5547, Nursing Pool Transparency. [Filed as WSR 24-16-105.](#)

**Rules Agenda, July 2024.** This report details current and anticipated rulemaking activities for August through December of 2024 for WA-DOH and SBOH. [Filed as WSR 24-16-083.](#)